File No. 294

1893.

Collection No.

V/14(1893)
20 7. Iloilo Residency

26-6-'47.

Pros. Serial Nos. 31 – 36.

Subject.

The Banpalon Municipal Laws, 1897.

Previous References.	Later References.

97. (Blue).

WP—0788&P—(G-1085)—10-3-30—1,00,000.

Office of the Resident in Mysore.

_____ Branch.

Proceedings No. of the month of 190

Serial Nos. 31. to 36 of File 294 of 1893 ~~of 190~~

Proceedings number.	Subject and order.	Date of last order.	Previous Proceedin	
			Serial or Proceedings numbers and Branch	File or month.
	31. A letter dy 28 9/96 to The Editor, "Daily Post" & "Evening Mail" asking him to return The copys of The draft Muni regns if it is no longer required as there are no spare copies of it available.			
	32. A letter dy 29 9/96 from the Editor, "Evening Mail" intimating that The draft regns cannot in the paper be reproduced owing to The want of space in The paper for so much matter.			
	33. No. 1915 dy 28 9/96 from Presidt, Muni Com^n, C & M. Stn forwdg a copy of Commissioners' Resol^n No. 2 dy 24 Nov^r objecting to certain sections of The draft The Bangalore C & M. Stn Muni Regns 1896.			
	34. No. 2997 D.A. dy 26 9/96 from Foreign informing that The draft of a Regulation of Bangalore C & M. Stn Municipality meets with the approval of The Government of India subject to some modification.			
	35. No. 4101 dy 13 11/96 to India Foreign intimating that The draft regns subject to few Verbal amendments and to some remarks is appropriate & hoping that it will be passed at an early date.			
	36. No. 4106 dy 13 11/96 to Foreign intimating that The draft Regns referred to was published in The local newspapers & circulated among the Muni Commissioners who took objection to certain sections & attaching copys of their proceedings with objects & reasons thereon			

RESIDENT'S OFFICE.

Serial No. 31

[DRAFT].—For approval.

No.

Dated 28th Sept 1896.

To

The Editor Daily Post.

Liverpool

Dear Sir,

Under cover A. 2286
2287

of the 25th June last, a copy of the Draft Municipal Rates was sent to you and the Revising Barrister was in hopes that it would have been reproduced in the Daily Post / Liverpool but he is informed that it was declined ~~as unsuitable~~

If the copy sent to you is no longer required, he would be glad if you will kindly return it to

this Office, for the use of the Municipal Comm[rs] of the Clerkenwell, as there are no spare copies available

J. M.

25. 9. 96

D.O.

4.11.96
Cub.

My dear Ireland,

Send you herewith

A. Remarks on India's covering letter returning draft Regulations

B Remarks on draft Regulations

C Statement showing revenue
(1) under present Regs
(2) under new.

As the matter has not been referred to me officially, but it is to be treated as confidential, I send my notes in original. Should you care to see them. Should any point call for further elucidation I will go to town next week.

Yours sincerely

[signature]
4/11

P.T. 4.11.96 Sr. S

[signature]

4-11

Mr. Buckley's remarks at A have already been made by Mr. Archbold in his note of 31.10. & his paragraphs refer

[signature]
5/11

A

Remarks on Letter No. 2997 I.A
26.9.96

1

From India

To

The Resident in Mysore.

(Profession-tax)

The tax has been in existence since * 1871 / 1897. It is generally objected to throughout the country as being a sort of second income-tax. I should like to see it done away with wherever possible but in a place like this in which every bit of existing revenue is required, (& a great deal more too) is required for sanitary & other works; it would be unwise to give up any existing source of revenue until it has been clearly demonstrated that the deficit can be more than made good & some less objectionable form of taxation. For this reason I would not at present substitute an extension of octroi for the existing profession tax; I would, however, as it was under consideration, extend the octroi, & if, after the

Reference to Clause 41 (1) A (b)

* Since 1883 accd. to Price Rose

Mary

Yes
Jones

I don't see the
force of this. It is an
anomaly that Gov.
Ch. Post men for
serving soldiers

Jones

Reference to 41(1)(A)(c)

experience of two or three years,
it is found that the Ex-
tension brings in a very considerable
increase to the revenues, the
question of abolishing the profession
tax may be then considered
~~Drafts~~ the Exemption of
Soldiers ~~this~~ might be effected
under §46(2), without any
special provision. The Exemption
is, in accordance with the
terms of the agreement to be
executed, to be simultaneous
with the completion of the
Estates-Subsidy Scheme. Special
provision in the ~~Act~~ is
regulation would make the
Exemption simultaneous with
the introduction of the Act.
I would therefore leave 41(1)(A)(c)
as in the original draft.

With all deference to Lucia, the
proposal can claim the support of
existing practice. The provision

finds a place in the old Regulation of 1871. In his letter no 4160 / 18.11.71 the Offg Secretary to the Chief Commr requested the President of the Municipality to arrange for the payment by the Cantonment Municipality of 1/3 of the cost of the Cantonment Police during 1872-3. In his reply no 2041 / 16.12.71 the President asked for the transfer to the municipality of the proceeds arising from the fees levied on licenses granted to retail dealers in Spirituous & intoxicating liquors, which were then credited to Imperial Funds. The President referred to S 55 of the B.m. Regulation. (NB. 1/3 cost of police was then about Rs 14000) In reply to Lee's General no 5505 / 13.2.72 the President in his 2505 / 22.2.72 informed him that the annual income from liquor licences in the Cantonment amounted to Rs 17,850; he pointed out that the fees were not levied according to the Schedule of the B.m. Regulation

I wish to convey to Surat all the correspondence

Sd.

Sr. 1. Rec. 496 of '85

Sr. 3

" 4

In Compliance with the request of the Lec. conveyed in his Secy. his. $\frac{5713}{26.2.72}$ the President forwarded in his $\frac{2677}{5.3.72}$ an Estimate of the income expected & the introduction of the rates for licences provided by the Bazs. Regulation, amounting to Rs 17,883- India was addressed by Lec to C.L. in his $\frac{5910/236R}{9.3.72}$ asking for Sanction being conveyed to the President's proposal. India in reply $\frac{20108R}{23.4.72}$ asked for a statement of Municipal receipts & Charges & para 2 of the same letter enquired "under what authority & by what "system & arrangements the present "licences are issued & fees levied; "what are the rates of fee; & why a "Separate tax on the sale of liquor "is proposed when a system of licences "which constitute in fact a tax on "sale already exists." The Offg Secretary to CC. in forwarding this to

Sc. 5

Sc. 6

Sc. 9.

× Sc. 29/a.

Note. Not communicated to this office; at least not to be found. I am unable to remark upon it. It is answered in para 5 of Lec's letter $\frac{788/32R}{20.5.72}$ Sub. q.v.

Sc. 29/6.

the President with his no 545 / 6.5.72 invited no remarks as to para 2 above quoted the statement of receipt & charges as furnished (the President in his 283 / 8.5.72, & the Offg. Sec. to Govt. thereupon addressed India in his no 788/32R / 20.5.72. (Copy attached x). The information asked for in para 2 of 108R / 23.4.72 is afforded in paras 5 et seq.

x To be kindly returned, as the Se. 29 original copy is not forthcoming.

Returned 8/6. KC / 18.11.96

The transfer of the license fees as observed in India's letter to C.C no 195R/12.8.72 Communicated to President with off/Secs ~~letter~~ memo 877/20.8.72 (? 19.8.72)

Sec. 13

The Municipality was subsequently relieved of the cost of ½ of the Police force; this charge at the time amounted to about Rs 21,000. The municipality was, in exchange, made responsible for the upkeep of the B.C. Hospital, a responsibility for which it is still liable.

If the Municipality is now deprived of license fees, it must also be relieved of the upkeep of the B.C. Hospital. The cost of the ~~establishment~~ upkeep etc.* alone of this Hospital is Estimated for 96-7 at ~~Rs 2,44,~~ 26,544. For an isolation hospital & a few more Rs 16,250 have been sanctioned this year, as well as Rs 1000 for repairs. There is also on hand a scheme

* Establishment & Supplies

for the Extension of the hospital, which will necessitate an Expenditure of about 1½ lakhs or more. To meet these charges Rs 13,400 are Expected to be received during 1886-7 as fixed registration fees payable under § 58 Bom. Regulation The Govt of India refers only to license-fees. It is to be pointed out, however, that the Municipality receives other revenue from abkari.

2 17 (3) Under proceedings of Board of Justice d 29.3.73 — (1) a Cess of 4 annas per gallon on Sales of arrack in any shop Exceeding 55 gallons p.m. (2) a Cess of Rs 2 per Hogshead on Sales of beer in any shop Exceeding 7½ hogsheads p.m. The revenue from these Sources is Estimated at Rs 29,500 for 86-7. The

Rec. File 13 of '82.

Government of India owned apparently nothing to [illegible] with this source of revenue

It will be seen that the Municipality's revenue from abkari has been received for more than 20 years. — nearly 25 years. These fees are well understood to be part of the liability of an abkari contractor, & there seems to be very grave objection to their continuing to be paid. If these 2 sources of income are removed (licence-fee & excess sales fees) there it will be necessary

(1) for the Government of India to relieve the Municipality of the cost of keeping up the B.C. Hospital for which purpose these fees were assigned.

& (2) for many urgent sanitary reforms to be abandoned — at any rate till other extensions of the octroi have brought remunerative

* Perhaps it does not know of its existence as it is not provided for in the Regulations
4 VB
11

[illegible]

Reference to §§ 69.7. of original draft.

These sections merely reproduce the provisions of the Town Duties Amendment Order No $\frac{1283\ I}{25.3.92}$ published in the Gazette of Thursday 26.3.92. (vide §§ 62A – 62G of the present Regulations.) They are therefore not an innovation & it is not understood why they are objected to now, when they received the approval of London less than 5 years ago. As far as my own experience goes, no complaints of Undermarking have been made & the objection that these provisions will be misused seems to be unfounded. It may be mentioned that a fee of the existing Inspectors' establishments of the Stations the octroi system cannot properly be abandoned & its extension to

Note under Contemplation

Reference to Cl. 76. This has been referred to in my remarks on the draft regulations. I consider that, as I have stated in those remarks, the definition of harbours vesting in the Commissioners should be attempted. India gives no reasons for omitting such a definition. It may be that by reason of future contingencies India refers to the water-supply scheme. If so, the works for the supply, storage & distribution of the water might be specially excepted.

H.D. 11

Notes on Draft Regulations

§ 2.(1) The property that vests in the Commission is nowhere defined. §14(c) confers powers to acquire, hold & transfer property. §73 refers to the Commission's powers to control property that may become vested in it

Note. India, in its covering letter objects to defining what property vests in the Commission. No reason is assigned except "in view of future contingencies". What they may be is not specified. (Does it refer to the water supply scheme?) But it seems that unless some attempt is made to define what property is vested in the Commission, that body may have considerable difficulty in upholding it claims in a court of law.

The Madras Local & Municipal Acts (of which I am sorry I have not a copy at hand) while repealing former Acts lay down very clearly the nature & extent of the properties vested in the Local & Municipal Boards

§3 (10) & (11) "Notification" & notified. The official Gazette is the print of India Gazette. Nobody down here ever sees so much formality necessary e.g. for the removal, & notification of elections, of Commissioners (section 11 & 13),

Further note.
see also §180(3). By this all bye-laws will have to be notified in the Gazette of India in English & at least one vernacular - presumably Canarese. Will the Gaz of India have to be prepared to advertise in Canarese?
All this seems like using a steam-hammer to crack a nut with.

I think the Gazette of India sh^d be used for all these - unless a local Gazette is started which might be done at any time. Henry.

notification of the imposition of a tax [§44(2)], for the prohibition of cultivation or the use of manure (possibly affecting an insignificant area) [§98(1)], or the notification of a dangerous disease [§124(2)]?
Such an end is now attained by advertisement in one or more of the local papers. Would not public notice" be sufficient under §184?

§ 10(2) insert "by" between "such resignation" & "the Resident

Henry.

§ 16. Omit (1). The words 'unless Council shall be inserted after the words "for the time being" rather than in their present place.

Ho
Henry

§ 28(2) What number will form a quorum till such a Bye law is passed? As the Section stands it would seem as if all meetings would have to be Special meetings until

Such a bye-law is passed.
No number of members at an ordinary meeting would constitute a legal quorum, until the bye-law was passed.
Two word the section -
"The quorum necessary for the transaction of business at an ordinary meeting of the Commission shall be Six, or such larger number or proportion of the Commissioners as may from time to time, be fixed by bye-law

He may leave this to S.F. Probably there is a bye law already on the subject

Mary

S 41(4)(b) This exempts military officers in active employ from profession tax This provision would come into force from Simultaneously with the introduction of the Act The agreement with the Govt of India re the water-supply provides for the exemption of building officers from the date of the completion of the water supply Scheme with which this Case be provided for

Death as it is covering letter

Mary

§ §46(2) ? Insert omit the words "other than — — Station" & rely on §46(2); or else omit the words "other than — — station & add a proviso — —

Provided that no persons subject to the Army Act &c — — limits of the station shall be liable to such a tax from & after the date of completion of the ~~Scheme~~ ~~shall have taken effect~~ Scheme for supplying the Station with water from the Kirkcaldy Reservoir

§56(1). Revision of assessments to be carried out § the Commission, & not § the President assisted § 3 or more Commissioners as provided § the present act I suppose, however, the Commission will delegate its powers under §25. to a Committee

§62 For last line & half read section 41 (1)(A)(6)

Sir Henry

§69. Omit "or its lessee for the time being"

§74(1) How about the B.C. Hospital which is supervised by the Residency Surgeon? He might not be under the direction management & control of the Commissioners for he is not their servant. Will the powers exempt him?

Sir Henry

§83(1)(2) I would omit the words "if refused to do so by any bye-law" Such notice is in pursuance of the existing Regulations & the people are accustomed to it. The Section as it now stands (with the omission of these words) seems quite definite enough to back up a without any bye-laws which can only refer the wording of this section. If bye-laws on the subject were at any time found necessary, §137(m) gives ample powers for them to be made

Lepers Hospital.

I am not prepared to alter this. It provides for part of the Station being occupied for diseases

It must be remembered that an enormous number of by-laws will have to be framed under the new Regulation it will take months & not three weeks to have them considered & framed by the Commission the Resident will then have to study them and approve of them (this will take at least a month probably): they will then have to be published for a certain time; & a certain date fixed when they will come into force. Meanwhile between the death of the old regulation & the bringing into existence of the by-laws under the section houses might be built any where & anyhow without any supervision at all.

s 83(1)(b). Gives power to compel erectors of new or re-erectors of old buildings to provide spaces to facilitate scavenging

I concur & take up this Our Committee were quite competent to deal with the Hon & Mily amicd at this conclusion

Mr

Perhaps Major Ross would have the Commission empowered to compel the construction of sweepers' alleys to skirting houses, if deemed necessary. Such a provision might be added in s. 88 (1). Under s. 119 Servants of the Commissioners do all things necessary to the proper performance of house-scavenging undertaken by the Commission, but caste prejudice may often prove a great hindrance in the absence of sweepers' alleys.

Perhaps Major Ross would like the Simla legislation for which to be added (if extended to Cave erected areas) he would also provide for the same supervision over imported foods drinks, so as to restrain itinerant vendors of impure foods & drinks manufactured in the Native

add s. 87. for "so as not to ... — street" read "so as not to damage the street or in any manner obstruct persons passing thereon"

If it damage the street, it may obstruct persons passing thereon

s. 102

Note. This might be provided for by extension of s. 137 (1) (k.)

I concur do this Mr

§102 Proviso Is six months notice necessary?

§28 mine.

§111. for "under Section 106" read under Section "103"

§112. Should not the removal deposit of refuse, rubbish &c otherwise than as directed in this Section be rendered penal as in the case of dead bodies of animals &

See Sec 161 mine

§115(2) Is "public notice" necessary? There might be cases in which only one or two houses were concerned. I would suggest for "by public notice" "by public notice, or by serving notices upon the owners or occupiers concerned.

I concur with this. mine

§124(1) For the part after clause (c) read "fails to give information as to the existence nature & cause of the disease as the Commissioners may by bye-law direct, or gives false information to the Commissioners respecting the existence nature Cause" This will be necessary to trace the cause of an outbreak; two boys died of typhoid (?) at St. John's School, & the Head

I concur do. this mine

master when requested by by Borough Mayor or Mess, refused to say if he filtered his drinking-water

§127 For "giving compensation for the articles destroyed" read "giving reasonable compensation for any articles so destroyed or damaged"

Go many

§137 (1)(k) See remarks on §10 v. The words "or of any other articles of food or drink" might be added.

too wide many

§140 (3) Remove the words "by its Officers" from their present place & insert after "done".

Better perhaps for Local Authorities

§150. Remove the words "or deleterious" & insert after "any kind" after "food"

Go many

§157 is not nearly stringent enough. A carriage being led horse or a hotwork cart is much more dangerous than ~~a~~ trotting carriage without a lighter; for a ~~horse~~ trotting carriage ~~is~~ is not often overtaken or if overtaken no serious result is probable; moreover

I am not prepared to go further than many

a carriage coming in the opposite direction is unlikely to run into it, if it keeps its own side of the road. A led carriage or a hillock cart must be constantly overtaken, & there is more likelihood of accident. Lamps should be visible from behind & on both sides as well as in front.

I am doubtful as to the expediency of giving persons a discretion as to when lamps are necessary.

Accused persons may often plead that they thought lamps unnecessary, & it will be easy for the prosecution to show either that there was no moon that night, or that the moon was obscured by clouds.

I would rewrite the section Whoever drives any vehicle between sunset ~~& sunrise~~ in any street ~~or upon the~~ unless the vehicle is properly supplied with lamps giving a light visible from in front, from behind & on

either side, shall be 4c.

My suggestion may ~~seem~~ be objected to on the ground ~~that~~ it will cause hardship on house owners but I consider the hardship will be slight & inconsiderable in comparison with the increased safety likely to be secured.

I accept this

§160. Mrs unless it shall be lawful to blow out a match in any public place." After the words "any light" I would insert "maintained by the Commission."

Ste mee

§164 First line omit "shewed"
Line 6 omit "it."

§165. Line 7. Would not "its" be more grammatical than "their"

A matter of drafting. Ste mee

§172 Lines 11 & 12 Remove the words "within fix" & insert after the words "by the Commission"

Ste mee

§174 2 (c) What will be the consequences of this provision on the Law of Limitation

Ste mee

Yes certainly omit "or" Mem

§179. line 6. Omit "or" Such a provision is not found in the Madras Acts. It is usual in such cases to have the Complaints transferred for trial to some Magistrate unconnected with the Local Body Concerned — The circumstances of the Ootacamund Station are peculiar as the 1st Class Magistrate are members of the Commission. In Madras also it is usual not to appoint Municipal Commissioners to the Bench of Honorary Magistrates, or, if appointed, they are supposed not to sit in municipal cases

Sec. Mem.

§180(1) Lines 6, 7, 8 — "in such manner ..... interested I would suggest replacing these words by "in the manner provided by §184".

Sec. Mem

§184 For "or any rule or bye-law" read "and every rule or bye-law made under this Regulation".

No. This sec. refers only to notice. Mem

§ 189. Under this section might not an attempt be made by one brewer to close the beer-shops of another brewer? He has only to procure 5 persons to complain. I mention this as there is such a case under discussion. The other brewers are attempting to close one of the shops of Messrs Wheatley & Co., who have been able to get a petition against it very inconsiderable in number. A numerously signed petition for the closure of the shop has been presented; Messrs Smith & Co. have replied with a similar petition asking that the shop may be retained

The Magistrates ought not to be left judges nor be left by this clause

Ster.

§ 192. For "committed contrary to" read "punishable under"; or, as an alternative, for "any offence committed" read "any thing done"; the latter is, perhaps, the better amendment.

Leave to the Justices

31/11

Municipal Revenue under certain Heads

A.

Under the ~~Old~~ Act.

1.	§64	Houstax at 5%.	46,500
2.	§195:	Lighting Tax at 1%	11,500 #
3.	§56,57	Profession tax	12,000
4	§68.	Liquor-shop registration fee	13,000
5	—	Fees on Excess Sales of liquor.	8,000.
6.	§6 vA-Q.	Octroi.	46,500
			1,58,500

B.

Under the new

1.		Houstax at 10%.	93,000
2.		no lighting-tax	
3.		Profession Tax (wh. is doubtful)	say 7,000
4.		Liquor Shop regn fees	— —
5.		Excess on Sales of liquor	— —
6.		Octroi	46,500 + x
			1,46,500.

This shows a net loss of (12,000 − x) Rs where x represents the increase to be anticipated from Extension of octroi. It is probable however that as a water-tax will have to be levied, house-tax will not be levied at a higher rate than at the present. House-tax + lighting rate of 6% this will make receipts under House tax only 55,800 instead of 93,000 The loss will then be Rs(49,200 − x).

Notes. # This is more than 1/5 of Houstax. But remission of House-tax is given for unoccupied houses. No remission of lighting tax is given (also exemptions cannot from Govt: on a/c of [illegible]) The figures given are the averages of last 3 years

Note. Scavenging Cesses are not reckoned as they are levied merely to defray cost of scavenging. Water-tax is not taken into consideration as it will be levied out at such a rate as to bear entire Expenses ...

Shelfpaard List of
Objects and Exercises

Please see pages 243 & 244
of Part V of the Gazette
of Sep 12 also Subs

9. 10. 96

Lieut Surgt. Major
Ross Dec thus

12/10

12/10

To Surgt Major Ross. Returned 14.10.96 A.M.P.
(the Unit is Relieved 14.12.10.96 M/15/12

Office.

Please send me the Gazette of India with amendment of Punjab Main Act recently passed & debate in Legs. Council on it.

2/10.

Gazette of 3rd Oct. Sup^t.
please see pages 69 of Part IV for the Pun: Mun: Act.
and pages 240 for debates on Bill In the Bill

Ma. 10. 26.

My dear Lisken

In returning the file kindly sent me by the Resident, I may say that while the word "production" in our new draft Regulation covers the case of dairies, it does not cover the case of itinerant milk vendors which it is evidently the aim of the new act amending the Punjab Municipal Act to include. Under these circumstances the Resident may think it desirable to take the present opportunity to ask for the extension of the Amended act to Bangalore; or perhaps he may like to add the words "or by any persons" after "in any premises" in Section 105 (a) Draft Regulation. Clauses (e), (f), (g) & Section 137 (4) in the Amended Punjab act will, in the latter case, still be required perhaps.

A

Some control over itinerant water vendors seems to me, to be also required. Section 105 (c) Draft Regulation will not enable the Municipality to register such with a view to stopping licences on conviction of malpractices, such as filling their barrels at waysde ditches, &c. Yet control over water vendors is just as important as over milk vendors. Would it be possible to make Amended Punjab act 137 (c) run "prohibit the sale of water, milk and butter, &c"?

Yours sincerely

R. Ross.

Can go into this when [illegible]

I don't think proposal A will read well - we don't know who "manufactures produces or prepares" tho' we know who owns premises, who sells or who imports for sale -

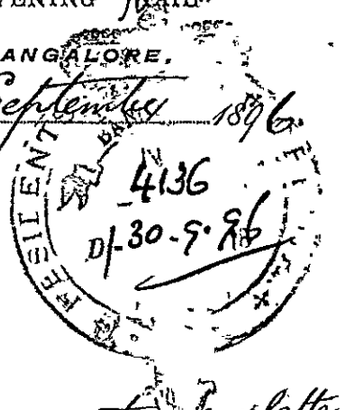
I would add clauses (e) (f) (g) and 137-A omitting the last clause (3) at the end of Rent's section 105 i.e at end of T.O. Sec 102

I doubt if suggestion about water is possible -

"EVENING MAIL"
BANGALORE.

29th September 1896.

KG 29-9



Dear Sir,

With reference to your letter of yesterday's date, I beg to state that I cannot possibly reproduce the Draft Regulations in this paper, as space could not be spared for so much matter. I have several times written on the subject and this is all that is required in such cases. I may have to say something more about the Regulations, and therefore I am sorry I cannot return the book.

Yours faithfully,

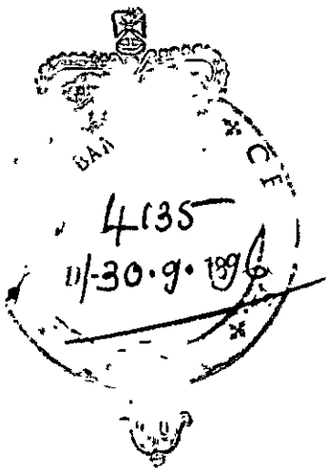
J. Tindall

Editor

33

No. 1915 with 3 Encls

CIVIL AND MILITARY STATION, BANGALORE,
MUNICIPAL OFFICE.
DATED 28th September 1896.



FROM

A. M. SLIGHT, ESQUIRE, I. C. S.
PRESIDENT, MUNICIPAL COMMISSION,
C. & M. STATION, BANGALORE.

To

The First Assistant to the Resident
In Mysore
Bangalore.

SIR,

A.30 With reference to your letter No. 3258 dated 8th September 1896, I have the honor to forward herewith for such action as the Resident may consider necessary, a copy of Commissioners resolution No. 2. dated 24th Idem, A.33-A objecting to certain sections of the draft Bangalore Civil and Military Station Municipal Regulation 1896, together with copy of Mr. Saus-A 33 B -man's proposals with statement of objections and reasons, and copies of previous correspond--ence relating to the introduction of Act III of A.33 C 1880 into this Civil&Military Station Bangalore.

I have the honor to be
Sir,
Your most obedient servant.
J. Baker Captain
For President.

Abstract of Proceedings of an ordinary meeting of the Municipal Commissioners dated 24th September 1896

2. Resolution No: 5 of the Commissioners dated 27th August 1896, relating to the Draft Bangalore Civil and Military Station Municipal Regulation 1896.

D-26-A

Letter No: 1488, dated 28th August '96, from the President to the Trust executant to the Resident in Mysore, and his reply No: 3258, dated 8th September 1896, on the subject

D-26

D-30

(a) Proposed by Mr. Sansman that Section 4 be omitted
Seconded by Mr. Vere
Carried

(b) Proposed by Mr. Sansman that Section 6 be omitted
Seconded by Mr. A. J. Bird
Carried

(c). Proposed by Mr. J. Sansman that Section 7 be omitted
Seconded by Mr. Suranarayana R
Carried

(d). Proposed by Mr. J. Sansman that the words "or become in opinion of the Resident" be omitted from Sec: 11
Seconded by General Frocher R.
Carried

(e) Proposed by Mr J. Sansman
that Sec: 11 (d) be omitted
Seconded by Mr. Annaswami Mudr.
Carried

(f). Proposed by Mr J. Sansman
that the words, Provided that
the Resident may direct in any
such case that the Vacancy
shall be left unfilled" be
omitted from Sec: 12 (1)
Seconded by Mr Mohideenkhan
Carried.

(g). Proposed by Mr J. Sansman
that Section 188 be omitted.
Seconded by Mr Wilkieson
Carried

Sd/ H. E. Buckley
President

Copy

T. Baker Napier
Secy: to the President

AV

336

CIVIL AND MILITARY STATION, BANGALORE.
MUNICIPAL OFFICE.

Date,

[NOTE—Commissioners are requested to be concise and to submit propositions on different subjects *separately*. Copies of this form may be obtained on application at the Office.]

Memorandum of proposition to be laid before the Municipal Commissioners of the Civil and Military Station of Bangalore :—

NAME OF PROPOSER.

Mr John Sampman

THE PROPOSITION.

That the following Sections and clauses of the Draft Municipal Regulation 1896, (Bangalore Civil and Military Station) be omitted.

Sections 4 - 6 - 7 and 188 -

Section 11 - Clause (a) omit the words - "or becomes in the opinion of the Resident incapable of acting,"

Clause (d) to be omitted.

Section 12 - Sub Section (1) omit the words - "Provided that the Resident may direct in any such case that the vacancy shall be left unfilled."

Statement of objects and reasons.

Sections 4 - 6 - 7 and 188 -

It is not understood why these Sections have been introduced into the Draft Municipal Regulations

The Governor General in Council has to power independent of the Commission, to declare from time to time the limits of the Civil and Military Station and exclude or include

any

(Statement of objects and reasons continued:)

any portion thereof from its operation:

The introduction of these sections into the Municipal Regulations, invites the Government of India to introduce act III of 1880 or any Cantonment Act, or regulation or of any rules framed there under to any buildings or lands or to any local area comprised in the Station or to the whole Station and if inserted in the Regulation will imply a tacit consent of the Commissioners and an acceptance of the same by the Rate-payers who are averse to Bangalore being condemned into a military station on the lines laid down for military Cantonments and believe that as Bangalore is only a British Station in foreign territory they have privileges which they are unwilling to forfeit.

Section 11.

Under this Section the Resident is invested with certain powers which are salutary and while safe guarding the interests of the Commission, does not interfere with the liberty of Speech of the Commissioners; but clauses (a) and (d) appear to infringe on this right and virtually gag the elected Members. No doubt this section received the careful consideration of the members of Committee (composed of Ex officio Members only) who drafted the Regulation; but I venture to submit that the Section as it stands tends to cast a damper on all free discussion.

Section 12.

The discretion left to the British Resident in not filling Vacancies by death, resignation, or removal of elected members, may become detrimental to the interest of the rate payers.

(Sd) J. Sawanan
Municipal Commissioner
No: II Division.

Forwarded with copies of correspondence relating to the introduction of Cantonment Rules into the Civil and Military Station of Bangalore

Copy

J. Bates. Captn.

MS

Secy: to the Resident

Copies of Correspondence relating to the introduction of Act III of 1880, Cantonment Rules, into the Civil & Military Station of Bangalore.

Sec. 7, DRAFT MUNICIPAL REGULATIONS, 1896.

Daily Post and Examiner Press—Bangalore.

Bangalore is not and never was a purely military station and, in support of this assertion, we have the fact that when Sir Mark Cubbon in 1857-58 had a serious brush with the Government of Fort St. George and the Commander-in-Chief of the Army, who were anxious to assert Military rules and laws to regulate the rights of the Civil population, he, in his letter of the 22nd May 1857, in conformity with a ruling of the Sudder Awdalat (High Court) of Madras, that "Bangalore is not a Military Bazaar Station" wrote to the General Commanding the Bangalore Division as follows :—

* * * * * *

"I trust it is quite unnecessary for me to say that no man looks with more respect than I do on the authority of the Madras Government and of the Head of the Madras Army, but in the present instance it is my bare duty to state that I consider they have been misled by erroneous or imperfect information. For instance I do not suppose His Lordship in Council could have had before him the letter which Lord William Bentinck caused to be written by Colonel Casement on the 5th of March 1835 to the Secretary to the Government in the Military Department; nor could he be aware of the marked peculiarity of the tenures under which land is held in Bangalore: or of the wording of the Grants or of the Regulations of the period to which they refer. Still less could he be supposed to be cognizant of the extent to which the Supreme Government holds me responsible for the protection of the rights of the inhabitants of Bangalore in common with the rest of the Mysore Territory. The Mysore Commissioner however is in a different position and I feel that without direct orders from the Right Hon'ble the Governor-General of India (to whom the question will be referred if necessary) I should be guilty of a grave dereliction of duty if with the full conviction, indeed with the full knowledge that Bangalore is no more a Military Cantonment in the prope sense of the word than Perambore or Vepery I gave my consent that the Judicial Commissioner and other officers charged with the administration of the country, the sick officers, the aged widows, the ladies whose husbands are on foreign service and the other families who have made it their abode, should be turned out of their houses at the caprice of the Brigadier who happens to be in command of the Station and who of course is the judge of the "absolute necessity" in his own force. I perceive too from a register now before me that several houses at this Station are unoccupied.

* * * * * * *

To Major-General Beresford,
Commanding Mysore Division.

(Signed) M. Cubbon,
Commissioner.

The matter was referred to the Supreme Government who, in their letter of the 20th December 1858, said—

* * * * * *

2. "There is nothing in any of these tenures to warrant an interference with the owners, in regard to the uses to which they may put their houses, or the persons to whom they may let them so long as they retain their ownership. It is therefore most justly urged by the Commissioner that the question is not what rules would be best for the regulation of a new Cantonment, but what are the rights of property as created under a formal instrument and recognized for the last 40 years."

3. "Indeed upon a further consideration of this subject with the light of the papers now before him, the President in Council finds it necessary to modify the instructions conveyed in my Letter No. 1674 of the 29th January last and to declare that they must no longer be held applicable to Bangalore which is not like a British Cantonment where the land is Government property and where houses are built subject to Cantonment Regulations, but is a station in a Foreign Teritory where houses are lawfully held under peculiar tenure from the Rajah's Government." * * * * * *

From Colonel W. Casement, Secretary to the Government of India, Military Department, Fort William, 5th March 1835, No. 118, to the Secretary to Government in the Military Department at Fort St. George.

Sir,—I am directed to acknowledge the receipt of your despatch No. 327 under date the 3rd ultimo, transmitting with reference to my letter of the 10th December last a copy of a communication from the Military Board at Fort St. George with its enclosures relative to the issue of grants of land to officers for building and other purposes within the Cantonment of Bangalore.

2. The Right Honorable the Governor-General of India in Council observes that nothing could be more proper than the arrangement sanctioned by the Madras Government in January 1815 with regard to the occupation of ground for building purposes in the Cantonment in question.

3. In accordance with the Regulations laid down at that period a copy of which accompanied your despatch under acknowledgment, it is enjoined that applications by parties requiring ground shall be made through the Commanding officer at Bangalore to the Resident at Mysore.

4. These rules appear to have continued in force until 1833, when as may be inferred from the Quarter-Master General's report dated the 17th January in consequence of the Government of Mysore being vested in Commissioners, the General Regulations of the Madras Presidency regarding the grant of lands for such purposes including even the levy of a land rent have been made applicable to Mysore.

5. But as the rights of the Rajah have not been alienated and although all the powers exercised by His Highness are now exercised by the Sole Commissioner under the supervision of the Supreme Government of India, these circumstances cannot be viewed as conferring authority on the Government of Fort St. George to give grants of land or levy a quit rent for the same within the territories of Mysore.

6. It only remains therefore to see that the rules already established in communication with the Rajah in 1814-15, shall in future be observed, with the exception that applications for ground for building quarters shall now be made by the Officer Commanding at Bangalore to the Commissioner instead of the Resident and that copies of all correspondence on such subjects shall be furnished by the Commissioner to the Resident for the information of His Highness.

7. His Lordship in Council further requests that all grants which may have been given under the General Regulations published in Madras G. O. of the 4th December 1829 shall be cancelled leaving it to the parties concerned to make their applications under the former Rules which do not appear to have been abrogated.

COPY OF A GRANT.

With the approbation and by the Authority of His Highness the Rajah of Mysore (as communicated in the British Resident's letter to the Chief Secretary to the Government of Fort St. George dated the 8th December 1815), I, Thomas Marriott, Colonel, Commanding Bangalore, do make a grant of the under described ground situated in the Cantonment of Bangalore unto Captain William Garrard, Superintending Engineer in Mysore to be held by him and his heirs or disposed of as his personal property by will, sale, or otherwise, so long as the British Troops continue to occupy the said Cantonment and subject to the clauses and restrictions mentioned in the above quoted letter conveying my authority for making this grant.

(Here follows a description of the land).

Given under my hand and seal at Bangalore, this 20th day of May, in the year of Our Lord one thousand eight hundred and eighteen.

To

The Secretary to the Government of India,
Military Department, 3rd November 1857, No. 3831.

Sir,

1. I am directed to submit for the consideration of the Government of India the accompanying copies of a letter to the Commissioner of Mysore and of his reply relative to the Cantonment of Bangalore.

15th June 1857.
24th September 1857.

2. It will be sufficient to state, in explanation of this correspondence that on the arrival at Bangalore of the 50th Regiment Native Infantry great difficulty was experienced by the Officers in obtaining quarters owing to many of the houses in the Lines of the Regiment being occupied by non-military persons, or persons not belonging to the troops.

This difficulty led to references being made to the Governor in Council upon which finally the following order was passed.

The Governor in Council observes that it is matter of necessity that Officers of troops stationed at Bangalore should be provided with quarters in the Cantonment.

3. He is of opinion therefore that all individuals whether Officers or others at present renting houses in the Cantonments which are absolutely required for the accomodation of the Officers of the troops should be required to vacate them.

4. Consequent on the proceedings taken by the Officer Commanding Bangalore upon the above order, the Commissioner addressed to this Government the annexed letters dated 24th and 26th May leading to the letter referred to in the first paragraph of the 18th June and to the Commissioner's reply.

5. As it appears to the Governor in Council that no object would be gained by any further argument as to what may or may not have been the intention of documents to which the Governor in Council and the Commander-in-Chief on the one side and the Commissioner on the other attach directly opposite meanings, he has considered it advisable at once to submit the question at issue for the decision of the Government of India and to express his strong recommendation that such orders may be issued as shall secure the right common to all Military Cantonments of appropriating as quarters for the Officers belonging to the troops such houses as may be absolutely required for their proper accommodation.

6. The Governer in Council submits that the recognition of this right in such a Canton ment as that of Bangalore, is of absolute necessity to the public service and he believes that it can be exercised without or very rarely interfering with the rights of property, as it would but very seldom be necessary to do more than require a house tennanted on rent by a Non-Military occupant or by an occupant not belonging to the Troops to be given up at the same rent to an Officer for whom proper accommodation could not otherwise be provided.

7. This right the Governor in Council observes is altogether distinct from the question of Police jurisdiction, which as in many other Cantonments may be entirely independent of ordinary Military rule in regard to the occupation of quarters.

8. The Governor in Council greatly regrets to be obliged at such a time as the present to occupy the attention of the Governor-General of India in Council with this reference; but it is with advertence to the present time especially that he is anxious to have the question speedily and distinctly decided.

9. A copy of this letter has been forwarded to the Commissioner of Mysore.

True Copy.

(Signed) C. A. Browne, Colonel,
Secretary to Government.

No. 3832.

To

The Commissioner, Mysore.

Sir,—I am directed to acknowledge the receipt of your letter of the 24th September, No. 25, and to communicate to you the annexed copy of a letter addressed to the Government of India on the subject of the Bangalore Cantonment.

I have the honor to be,
Sir,
Your most obedient servant,

Fort St. George,
3rd November 1857.

(Signed) C. A. Browne, Colonel,
Secretary to Government.

From the Deputy Secretary to the Government of India, Military Department, Fort William, 29th January 1858, No. 1564, to the Secretary to Government, Military Department, Fort St. George.

In reply to your letter No. 3831 of the 3rd November last, I am desired to acquaint you for the information of the Government of Fort St. George, that after a full consideration of the subject, the Right Honorable the Governor-General in Council is of opinion that the Rules observed in the Bengal Presidency with regard to houses within the Military limits of Cantonments are the best and that these as laid down in Section XI of the Bengal Military Regulations should be made applicable to the Madras Presidency.

* Extract Bengal Military Regulations, Page 58, Para 15.

"All houses in a Cantonment being the property of non-residents or persons not belonging to the Army, and which may be deemed by the Commanding Officer of the Station suitable for the accommodation of Officers are claimable for purchase or hire at the option to the owner, in the former case at a valuation, and in the latter at a rent to be fixed in the event of any disagreement, by a Committee of Arbitration whose decision is to be conclusive unless reversed by Government for whose orders the proceedings are to be submitted through the regular channel, whenever the proprietor of the premises is dissatisfied with the award.

True Copies.

* Extracted at Madras,
C. A. B.

(Signed) C. A. Browne, Colonel,
Secretary to Government.

Exd. J. E. Cashart.

No. 11.

To

The Chief Secretary to Government,
Fort St. George.

Sir,—I have the honour to acknowledge the receipt of Colonel Browne's letter No. 748 of the 25th ultimo, conveying the decision of the Supreme Government regarding the manner in which Officers are to be provided within the Military limits of Cantonments within the Madras Presidency and requesting to be informed whether the Regulations adverted to will be of force in regard to Bangalore if promulgated as directed.

In reply I have the honour to state for the information of the Right Honorable the Governor in Council that, as in my opinion the rules adverted to supply a simple remedy for the difficulties said to have been experienced by Officers and at the same time in no way trench upon the rights

secured to house owners of their grants. I see no objection to their being made applicable to such portions of this large place as the Officer Commanding the Station and the Superintendant of the Bangalore Division may consider from their situation as regards the barracks of the various regiments to be proper and sufficient for the purpose. When these localities are determined upon there would be nothing more required than to cause it to be publicly known that all houses so situated being the property of non-residents or persons not belonging to the Army and which may be deemed by the Commanding Officer of the Station suitable for the accommodation of Officers are claimable for purchase or hire at the option of the owner.

The space occupied by houses at this Station stretches four miles from North to South and three miles from East to West with the prospect of further extension when the New Dragoon Barracks are completed and contains within its area a population (annually increasing) of one hundred and thirty thousand souls. It is evident that only a small portion of this space will ever be required for the accommodation of Officers and that the application of the Bengal Rules to the whole is not only unnecessary but certain by unsettling men's minds to arrest the progress of improvement.

This limitation would of course be set aside in cases where circumstances may render the appropriation of land of such importance that the Government itself would deem it necessary to become the purchasers. Such a contingency is expressly provided for in the existing form of grant.

I have, &c.,

(Signed) M. Cubbon,
Commissioner.

Bangalore, 30th March 1858.

MEMORANDUM.

In order to meet the wishes of the Lieut.-General Commanding the Division as expressed in his letter to the Commissioner No. 74 of the 2nd instant, the Commissioner has consented to the Military limits for officers' residences being extended as follows :—

1st. From the South-East corner of the Band Promenade the house called "Gulistan," Doctor Patterson's house, Mr. Reynold's shop, and the house now occupied by the Electric Telegraph Department ; this latter house to be exempted from the rule so long as it is occupied as at present.

2nd. All the houses on the right hand side of and facing upon the road leading up to the Commissariat godowns commencing from the house lately occupied by Dr. Sparrow of the 60th Rifles, omitting the Judicial Commissioner's Cutchery so long as it is thus occupied, and the nunnery and including the house in the rear of Mr. Mergler's shop.

Though there has never been a question in respect to full Military authority over parades, it may be as well on the present occasion to define them.

1st The Infantry Butts and ground alloted for Ball practice and for long rifle range.

2nd The Upper Infantry review ground as at persent defined by a public road round three sides of it and the Commissioner's compound hedged on the south side.

3rdly The Infantry Parade Ground from the Western place of Arms to the east corner of of the Dragoon barracks, and from the East corner opposite to the Wesleyan Chapel along the road westward and to the South of the solitary cells.

4thly The Band Promenade including the ground on which St. Mark's Church stands and up to the road leading from the telegraph flag staff to the Northern gateway of Major Edward's house now occupied by Major Miller, the Eastern boundary being the high road from the "the Gulistan" to the Electric Telegraph Flag Staff and the Western and Southern boundaries being the road round the Promenade.

5thly. The Brigade exercise ground bounded to the North by the Madras road to the East by cross road leading from the Coopsunder tank bund and by a line running ten yards in a South-eastern direction and Westward of Dr. Campbell's stables to the hedge of the cultivation and so long the whole boundary bordering on the cultivation until it meets the Oossoor road to the corner opposite the Travellers' Bungalow. The Travellers' Bungalow, Arab Lines and Pensioners' Lines to be within the jurisdiction of the Superintendent of Police.

6thly. The Infantry Parade, Horse Lines and Schools as at present, the Karkhana bullock lines and the Protestant Burial ground, Trinity Church and grounds.

7thly. The Dragoon horse lines and Schools as at present.

8thly. The Native Cavalry Hutting Lines, Horse Lines, Riding Schools and Parades as at present. St. John's Church and ground. The Pensioners lines at Mootoocherry being under the jurisdiction of the Superintendent of Police.

9thly. The Hutting ground and Lines of the Native Infantry Regiments.

Superintendent's Office,
Nundydroog, 28th April 1859.

(Signed) G. Haines,
Superintendent, Bangalore Division.

NOTICE TO OWNERS OF HOUSES AT BANGALORE.

(Published in the Bangalore Herald.)

Under instructions received from the Government of India, owners are hereby informed that they will not be interfered with in regard the uses to which they may put their houses, or the persons to whom they may let them so long as they retain their ownership.

The conditions under which owners hold their houses provide for the purchase by Government of the tenant's property whenever Government may require it, so that should any real Military exigency arise Government can always obtain whatever houses it pleases upon payment of their fair value, which the Supreme Government declare to be no more than the houses owners in pure equity and by uninterrupted custom as well as by the words of their titles, have a clear right to.

Therefore the Government of India have ruled that whenever a Military officer on duty at Bangalore finds a real difficulty in purchasing a house there, he may with the approval of the Commanding Officer require that any tenement he may desire to purchase be valued, and should the valuation meet his views, he may lodge the amount awarded, when the house may be purchased by Government at its valuation and transferred to the Officer under the Bengal conditions and subject to any other conditions that may be thought proper.

The Bengal rule under which the valuation of houses claimable as above is fixed as follows:—

The Committee (of arbitration) is to be composed of one Civil Officer (the principal if practicable at or near the Station) the Commanding Officer of the Cantonment (unless he is an interested party when the next Senior is to be appointed) and an Officer belonging to the Station to be named by the proprietor of the premises; and their decision is to be conclusive unless it shall be reversed by Government for whose orders the proceedings of the Committee are to be submitted whenever the proprietor of the premises which they may have valued is dissatisfied with their award.

28th April 1895.

My dear Brigadier,

I send you herewith the copies of your former letters about the Military limits. I have sent in the notice to owners of houses to be published in the Herald so that the only thing left to be made known to the parties concerned is the extension to the Military limits which has recently been made.

Nundidroog,
15th May 1859.

Yours very sincerely,
(Signed) G. Haines.

Again, when in 1880, at the time of the Rendition, it was sought in some quarters to extend the Cantonments Act III of 1880 to Bangalore, Sir James Gordon wrote to the Government of India as follows :—

No. C. 2 dated Calcutta, 17th December 1880.

From W. J. Cuningham, Esq., Bombay Civil Service, Secretary to the Chief Commissioner of Mysore to A. C. Lyall, Esq., C. B., Secretary to the Government of India, Foreign Department.

* * * * * o *

The Bangalore Cantonment.

9. As regards the determination of the limits of the lands to be assigned Mr. Gordon would propose that these comprise mainly what is now defined and described as the Bangalore Cantonment Municipality. The exact limits can be settled in communication with the Military Authorities on Mr. Gordon's return to Bangalore from Calcutta. The present Cantonment Municipality limits would have to be slightly curtailed so as to exclude the Maha Rajah's Palace, the Mysore Public offices, the Jail, High School and such like State buildings. The native city or Pettah, would also of course, remains with the Mysore State.

* * * * * * *

With regard to the proposed introduction into the assigned tract of the Cantonment Act III of 1880, after the transfer of Mysore to the Maharajah, it would seem that there is nothing to be gained by the introduction of the Act while some of its provisions might be very inconvenient.

The Act is intended for Military Cantonments in British India. Bangalore is not and has never been merely a Military Cantonment, and is not, and is not intended to be a part of British India. After the transfer it will remain as heretofore as it was correctly described the Government of India in a letter dated 25th December 1858. "A Station in a foreign territory." As it will not be part of British India, the Governor General in Council, administering its Government on behalf of the Maharajah will be able to make such laws and rules for its good Government as may appear experiment, while the introduction of the Act in question will not convey any higher sanction than the notification of the Government of India, and would bring with it provisions,

unsuitable and uncalled for. It would appear wise then, to let matters remain as they are and to let the territory included within the Bangalore Station be administered by Civil officers of the British Government, guided by such laws and rules as are at present in force or may hereafter be introduced by the Governor General in Council administering the Government on behalf of the Maharajah who will still retain sovereignty over the territory though by the terms of the Sunnud, he renounces the exercise of jurisdiction within it.

* * * * * * *

No. 92. I. P. dated Fort William 24th January 1881.

From A. C. Lyall, Esq., C, B., Secretary to the Government of India, Foreign Department, to Chief Commissioner of Mysore.

* * * * * * *

6. The Government of India accept your opinion that Act III of 1880 need not be introduced into the tract which has been reserved under assignment for the British Station of Bangalore. Your proposals for the determination of the limits of the assigned lands and also for the discharge of the executive and judicial work of the Station are approved.

* * * * * * *

No. 2997 I.-A.

FROM

THE SECRETARY TO THE GOVERNMENT OF INDIA,

TO

THE RESIDENT IN MYSORE.

FOREIGN DEPT.

SIMLA, *the 26th September 1896.*

SIR,

I am directed to acknowledge the receipt of your letter No. 1709, dated the 8th May 1896, forwarding the draft of a Regulation to provide for the better administration of the Civil and Military Station of Bangalore.

2. The draft, which is modelled on the Punjab Municipal Act, 1891, has been carefully prepared and meets with the approval of the Government of India subject to the following modifications.

3. As the Indian Explosives Act, 1884, and the Petroleum Act, 1886, have not been applied to Bangalore, the definitions therein of "explosive" and "petroleum" should be incorporated in clause 3 of the Regulation.

Clause 41 (1) A (*b*) is copied from Act XX of 1891, but a profession tax so closely resembles an income-tax that the Government of India desire that, wherever possible, it shall be discontinued, as infringing on the sphere of Imperial taxation. In Bangalore the tax is not of old standing, and I am therefore to enquire whether an extension of the octroi system would not prove an equally productive substitute and at the same time more economical in the way of establishment. If, however, the tax is to be retained, an addition should be made to the clause to formally exempt soldiers from its operation.

Clause 41 (1) A (*e*) of your draft, which provides for a tax upon places where spirituous liquors are sold, is open to the same objection, since the excise laws authorise the levy of license taxes on persons selling spirituous liquors. In this instance your proposal cannot claim the support of existing practice, and it is considered that the clause should be omitted.

Clause 67 of your draft reproduces the provisions of Section 69, Act XX of 1891. But the practice of farming octroi has since been condemned by Her Majesty's Secretary of State for India, and this clause must therefore be omitted.

The provisions suggested in clauses 69 and 70 of your draft are an innovation in legislation to which there is very strong objection as affording possibilities for blackmailing, even with the safeguards which you propose. As the octroi system at present extends to only three articles, the Municipality possibly entertain too small an establishment to guard the entries to the station. The Government of India cannot consent, however, that such deficiency shall be covered by raids on shops and private houses in quest of contraband articles. The clauses should therefore be omitted. Under these circumstances the Commissioners will probably find it advisable either to abandon the levy of octroi, or to expand it, as suggested above, into a fully-organized system, with schedules and establishments such as are employed elsewhere.

In view of future contingencies, it is inexpedient to attempt to frame an inclusive definition of the property which may vest in the Municipal Commissioners. Clause 76 of your draft has been amended accordingly.

To clause 109 of your draft has been added the proviso to Section 99, Act XX of 1891, on which the clause is based.

Clauses 127 to 133 of your draft purport to refer to infectious diseases only. Cholera is not admitted to be an infectious disease; but it is desirable that provisions of the nature suggested should be applicable both to cholera and to all contagious diseases, other than venereal. With this view, the draft has been revised.

4. The above, and other minor amendments, have been incorporated in the enclosed draft which I am directed to forward for your opinion.

I have the honour to be,

SIR,

Your most obedient servant,

H. Barnes

Offg. Secretary to the Government of India.

Foreign Office Press.—No. 1153—26-9-96—37.

34

B.

[DRAFT]

BANGALORE CIVIL AND MILITARY

STATION,

MUNICIPAL REGULATION.

1896.

G. C. Press, Simla, No. 675 F. D.—28-9-9 —37.

7294/93

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No. 4101.

FROM

W. MACKWORTH YOUNG, ESQ., C. S. I.,
RESIDENT IN MYSORE.

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
FOREIGN DEPARTMENT.

Dated Bangalore, the 13th November 1896.

SIR,

S. 34.

In compliance with the instructions contained in your letter No. 2997 I-A., dated 26th September last, I have the honour to submit my opinion on the amended draft of a Regulation to provide for the better administration of the Civil and Military Station of Bangalore.

'Changes proposed by Government of India.

2. The modifications proposed by the Government of India are important mainly from a financial point of view. If the omission of clauses 41 (1) A (*b*) and (*e*) is proposed only with a view to bringing the Regulation into conformity with other municipal enactments, and without any intention of interfering at present with existing sources of revenue, I do not think I need take exception to it. The taxes in question can be maintained under section 2 (2) or reimposed under section 41 (1) B, and if such is the intention of the Government of India, no inconvenience will be felt. But if the intention is to abolish the levy of these taxes from the date on which the new Regulation comes into force, then I am bound to say that I fear its enactment will result in financial chaos.

Present income of Municipal Commission.

3. The present income of the Municipal Commission is derived from the following sources:—

		Rs.
1.	House tax at 5% on annual value, under section 64 of present Regulations	46,500
2.	Lighting tax at 1% on do under section 195 do ...	*11,500
3.	Profession tax under section 57 of do	12,000
4.	Liquor shops registration fees under section 58 of do ...	13,000
5.	Fees on sales of liquor under section 56 of do	29,000
6.	Octroi on cocoanuts, betel leaves and tobacco under section 62 B. of do	46,500
	Total.....	1,58,500

Thus it will be seen that Rs. 54,000 or 34 per cent of the present municipal income is at present levied from the sources to which the Government of India takes exception.

*More than one-fifth of (1) because remissions are given in case of (1) but not in case of (2) for unoccupied houses.

8L 12 Jf 5 19/82

Profession tax.

4. The Profession tax has been levied since 1884 under the authority of Foreign Department letter No. 2900 I, dated the 29th September 1883. The Municipal Commissioners are anxious to abolish it altogether, and the Government of India has stipulated that it should not be levied from Military employes from the date of completion of the water supply now under consideration. It is hoped that the deficiency may be made good by an extension of octroi taxation, but I trust that until some experience is gained in regard to this alternative, the tax will be allowed to remain in force, subject to the condition above mentioned. If this view is accepted, I would advise that the clause be maintained. I would suggest that it is not of great consequence that the principles regarding Imperial and Local taxation which have been elaborated for British Provinces after long experience should be strictly acted up to in a place like Bangalore where the line of demarcation between Imperial and Local interests must necessarily be less precise. As regards the exemption of the Military, I think it should date from the introduction of the water supply as stipulated by the Government of India in the agreement relating to that subject, and that the power of exemption provided in section 46 (2) is sufficient. But if as a matter of principle great stress is laid on the immediate exemption of Military employes, I would not press for the omission of the words added to clause 41 (1) A. (b).

Fees on liquor shops and sales of liquor.

5. In paragraph 3 of the letter under reply it is stated that the proposal to provide for a tax upon places where spirituous liquors are sold "cannot claim the support of existing practice." I presume what is meant is that there are no other parts of India where the practice exists. The Government of India are aware of the existence of the practice in Bangalore. It is authorised by the correspondence *marginally noted, and provision has existed in the Municipal Regulation since the year 1871. I of course admit the inappropriateness of excise revenue being credited to a Municipality. But it must never be forgotten that the Bangalore Civil and Military Station is not a mere Municipality, and though a large income has been derived from excise for many years past, and the Imperial Government has quite recently engaged to furnish a water supply free of all initial cost for the use of the Station, it is I consider very doubtful whether the fact has yet been realised that what is generally regarded as municipal revenue will not be sufficient to meet the requirements of this Municipality, cantonment, small collectorate and head quarters of an administration rolled into one. At all events, it is absolutely necessary to represent that the sudden withdrawal of an income of Rs. 42,000 per annum from the revenues of the station Municipality, which cannot at once be made good by any other form of taxation, will reduce it to bankruptcy. It is not in my opinion important that provision for the levy of the taxes on spirituous liquors and places where they are sold should be retained in the Regulation if the Government will assure the Municipal Commission of a sub-vention of equal amount, until or unless other modes of taxation can be devised.

*No. 5910—236, R., dated 9th March 1872 from Secy. to Chief Comr. Mysore, to Foreign Dept.
No. 108, R., dated 23rd April 1872 from Foreign Dept. to Chief Comr. Mysore.
No. 788—32, R., dated 20th May 1872 from Secy. to Chief Comr. Mysore, to Foreign Dept.
No. 195, R., dated 12th August 1872 from Foreign Dept. to Chief Comr. Mysore.
No. 1247—240, dated 26th August 1882 from Resident to Foreign Dept.
No. 1317—250, dated 4th September 1882 from Resident to Foreign Dept.
No. 1102 I., dated 3rd May 1883 from Foreign Dept. to Resident.

Reasons for not disturbing present taxation.

6. I cannot help hoping that it may be found unnecessary to pursue these questions relating to the propriety of taxation which has long existed under the sanction of government, at the present juncture. The financial position of the Municipality is just at present somewhat critical. We have a large annual demand in prospect on account of the water supply; extensive drainage works may have to be carried out, and hospital extension is much required. The primary object of the amended Regulation is to improve the municipal administration, and I am anxious that this object which is of the

greatest importance should not be lost sight of. The Government of India have approved generally of the lines of the draft submitted, and I venture to hope that its enactment may not be delayed by the discussion of questions relating to taxation in Bangalore which have been authoritatively settled in the past under the orders of the Government of India, merely because of precedents in other parts of India. I would again urge that Bangalore is exceptionally circumstanced, and that there is good reason for not raising too many new points in connection with the proposed amendment of the municipal Regulation.

Search for articles liable to octroi.

7. With reference to the remark that clauses 69 and 70 of the draft Regulation submitted by me are "an innovation in legislation &c." I would point out that these clauses are not more stringent than those sanctioned by the Government of India in the Notification of the Foreign Department No. 1283 I., dated 25th March 1892, which have been acted upon ever since, and which I am assured, have not given rise to any complaint. It is true that hitherto the articles liable to octroi have been very limited in number, and it is contemplated to extend the schedule. But the omission of the clauses will preclude the Municipal Commissioners from continuing their present procedure, should they find that they are unable to include other articles. As explained in my former letter, I was averse to maintaining the stringent provisions of the old law in regard to an extended octroi schedule without some safe guard; but the decision of the Government of India to omit the clauses even as amended is represented as likely to imperil the existing octroi revenue, and make its extension very difficult. Here again I would venture to recommend that the provisions sanctioned by the Government of India which have been in force for some years, without giving rise to any complaint, should not be suddenly cancelled on theoretical grounds.

On clause 76 of the draft.

8. I am inclined to think that a definition of municipal property is desirable and I do not know what "future contingencies" are alluded to, as likely to render such a definition inexpedient. If the water supply is meant, the works connected with it might be specially exempted. As an instance, I believe the legal right of the Municipality to house sweepings has in some cases been questioned. The question is one however which I am quite content to leave to the decision of Government.

9. In view of the prevalence of enteric fever in the station, and of the belief entertained by the medical authorities that this disease is often traceable to impure milk and butter brought into the station for sale, I recommend that the provisions of section 1 of Act XVIII of 1896 should be inserted in the Regulation in section 102.

10. Subject to the above remarks and to a few verbal amendments suggested in the enclosed Draft, I beg to express the opinion that the draft as now amended is appropriate, and to express a hope that it will be passed at an early date.

I have the honour to be,

Sir,

Your most obedient servant,

Resident.

Encls 4 & Ps. C Gen.

Enclosure 1 Rec'd Pub. Letter No. 4-101

B.

Dy the 13. Dec. 1896 to Foreign Dept

[DRAFT]

BANGALORE CIVIL AND MILITARY

STATION,

MUNICIPAL REGULATION.

1896.

G. C. Press, Simla, No. 675 F. D.—28-9-9 —37.

[DRAFT.]

THE BANGALORE CIVIL AND MILITARY STATION MUNICIPAL REGULATION OF 1896.

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---

art 9.

Or preceding paragraphs, they seem to prefer word "Comm" with not stick to it?

Yes Sir

See above. One word should be added to.

Sir

following words omitted " and tax upon places used for the sale of intoxicating liquors "

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Regulation to provide for the better management of the municipal affairs of the Civil and Military Station of Bangalore.

Whereas it is expedient to make better provision for the administration of the municipal affairs of the Civil and Military Station of Bangalore; It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

Title, extent and commencement.

1. (1) This Regulation may be called "The Bangalore Municipal Regulation of 1896"

(1) shall apply

(2) It extends to the Civil and Military Station of Bangalore as defined from time to time by notification under this Regulation; and

(2) declared

(3) on the passing thereof

(3) It shall come into force at once.

Repeal.

2. (1) The Regulations published in the Notification of the Government of India in the Foreign Department No. 319-I., dated the 9th February, 1883, and amended by subsequent notifications are hereby repealed, but not so as to affect the validity of any thing done or suffered or any right, title, obligation or liability, which may have accrued before this Regulation comes into force.

(4) as

(5) nothing herein contained shall

Saving clause.

(2) And all Municipal Commissioners and officers of the Municipal Commission of the Civil and Military Station of Bangalore appointed, elected or nominated, and all bye-laws or rules prescribed, limits defined, budgets passed, assessments, valuations, measurements, and appointments made, elections held, powers conferred, salaries fixed, notifications published, notices issued, taxes, tolls, rates, cesses and fees imposed or assessed, contracts entered into and suits instituted under any Act or Regulation hitherto in force relating to the matters hereinafter dealt with, shall, so far as may be, be deemed to have been respectively appointed, elected, nominated, prescribed, defined, passed, made, held, conferred, fixed, published, issued, imposed, assessed, entered into, and instituted, under this Regulation.

Definitions.

3. In this Regulation, unless there is anything repugnant in the subject or context,

(1) "Station" means the Civil and Military Station of Bangalore as defined for the time being by notification under this Regulation:

here

(2) "Resident" means the Resident in Mysore:

(3) "Commission" means the Municipal Commission of the Station as established by this Regulation:

(4) "President," "Vice-President, Secretary" and "Commissioner" mean, respectively, the President, a Vice-President, the Secretary and any member of the Commission so established:

(5) "inhabitant" includes any person ordinarily residing or carrying on business, or owning or occupying immoveable property in the Station:

(6) "owner" includes the person for the time being receiving the rent or profits of lands and buildings or either of them whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant:

(7) "street" includes any way, road, lane, square, court, alley, passage or open space whether a thoroughfare or not, over which the public have a right of way, and also the road-way and foot way over any public bridge, or causeway:

(8) "explosive"—

(a) means gun-powder, nitroglycerine, dynamite, gun-cotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other substance, whether similar to those above mentioned or not, used or manufactured with a view to produce a practical effect by explosion, or a pyrotechnic effect; and

(b) includes fog-signals, fireworks, fuzes, rockets, percussion-caps, detonators, cartridges, ammunition of all descriptions and every adaptation or preparation of an explosive as above defined:

(9) "petroleum" includes also the liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, kerosine, paraffine oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine and any inflammable liquid which is made from petroleum, coal, schist, shale, peat or any other bituminous substance, or from any products of petroleum; but it does not include any oil ordinarily used for lubricating purposes and having its flashing point at or above, two hundred degrees of Fahrenheit's thermometer:

(5) C. & M. Station of Bangalore

(New)

(2) C. & M. Station of Bangalore as declared under this Regulation

"Explosive" & "petroleum" have the meanings assigned to those words in the Indian Explosives Act 1884 & the Petroleum Act 1886 respectively

(10) "notification" means a notification published under this Regulation in the Official Gazette:

(11) "notified" means published as aforesaid:

(12) "rule" means a rule under this Regulation: and

(13) "bye-law" means a bye-law made at a special meeting of the Commission under this Regulation.

(1) Rules & rule mean respectively the rules made or to be made & notified by the Govt in Mysore under the authority of this Regn & any one of such rules.

(2) Bye laws & bye law mean respectively the bye laws made or to be made by the Municipal Commrs of the C & M. Station of Bangre at a special meeting under the authority of this Regn & any one of such rules.

(3) C & M. Station of Bangalore.

Power for the Governor-General in Council to define limits of Station.

4. The Governor-General in Council may, from time to time, by notification, declare what, for the purposes of this Regulation, shall be the area and limits of the Station and may, at any time, in like manner, alter such area and limits.

Exclusion of Military buildings or lands from the operation of this Regulation.

5. Except as provided in section 70, this Regulation shall not apply to any barracks, hospitals, guard-rooms, barrack-yards, hospital enclosures, or other buildings or lands in exclusive possession of the Military authorities for Military purposes, and notified as such by the Governor-General in Council.

Exemption of any local area from the operation of this Regulation, and application thereof to certain local areas.

6. The Governor-General in Council may, by notification, exempt any local area, buildings, or lands comprised in the Station from the operation of all or any of the provisions of this Regulation or of the rules and bye-laws thereunder, and may in like manner, apply all or any of the said provisions to any of the buildings or lands described in section 5 or to any other local area.

(4) this Regulation or of any of its provisions
(5) any
(6) similarly
(7) the same

Application of Cantonment Act, &c., to any part of the Station.

7. Notwithstanding any thing contained in this Regulation, the Governor-General in Council may, by notification, apply all or any of the provisions of any Cantonment Act or Regulation or of any rules thereunder to the Station or to any buildings, lands or local area comprised in the Station, and may, in like manner, withdraw the application of any such provisions.

(8) extend any or all
(9) cancel.

CHAPTER II.

THE COMMISSION.

Municipal Constitution.

Municipal Commission.

8. (1) The municipal affairs of the Station shall be administered by a body to be styled the

Municipal Commission of the Civil and Military Station of Bangalore and consisting of a President and twenty five other Commissioners.

(1) members.

(2) Except as provided in section 16.

(2) Subject to the provisions of section 16 and of section 19, sub-section (2), the Commissioners shall be appointed by the Resident either by name or by office, or shall be elected from among the inhabitants in accordance with rules made under this Regulation, or shall be partly appointed and partly elected as aforesaid according as the Resident may, by notification, direct :

(3) partly the one & partly the other

Povided that,—

(*a*) if the Resident has directed that the elected members shall constitute the whole or any portion of the Commission, he shall not afterwards direct that they shall constitute any smaller proportion thereof except in compliance with the request of a majority of the electors for the time being, or for some reason which the Resident may deem to affect the public interests, and,

(*b*) unless the Governor-General in Council shall otherwise direct, the appointed members who are salaried officers of Government shall not exceed one-third of the whole Commission.

(3) When, under a direction issued under sub-section (2), any places on the Commission are required to be filled by election, and a sufficient number of Commissioners are not elected to fill such places the Resident may fill those places by appointment.

(4) Member of the Commission

(5) members.

9. (1) If a Commissioner is appointed by office, the person for the time being holding the office shall be Commissioner until the Resident shall otherwise direct.

Term of office of Commissioners.

(2) The term of office for which all other Commissioners shall be appointed or elected, as the case may be, shall be fixed by the Resident by rule and may be so fixed as to provide for the retirement of Commissioners by rotation, but shall not exceed three years.

(6) and elected respectively

(7) rules made under this Reg:

(8) members

(9) member

(3) An outgoing Commissioner may, if otherwise qualified, be re-elected or re-appointed.

(10) Who may wish

(11) may

10. (1) any Commissioner wishing to resign shall forward his written resignation through the President to the Resident.

Resignation of Commissioner.

(12) President of the Com

(13) the

(2) When the acceptance of such resignation the Resident has been communicated to the

Commission, the Commissioner shall be deemed to have vacated his seat.

Powers of the Resident as to removal of Commissioners.

11. (1) The Resident may, by notification, remove any Commissioner,

(a) if he refuses to act, or becomes, in the opinion of the Resident, incapable of acting, or has been declared a bankrupt or an insolvent or convicted of any such offence, or subjected by a Criminal Court to any such order as implies, in the opinion of the Resident, a defect of character which unfits him to be a Commissioner,

(b) if he has been declared by notification in any Government Gazette to be disqualified for employment in, or has been dismissed from, the public service;

(c) if he has absented himself for more than three consecutive months from the meetings of the Commission;

(d) if his continuance in office is, in the opinion of the Resident, dangerous to the public peace or order; or,

(e) in the case of a salaried officer of the Government, if his continuance in office is, in the opinion of the Resident, unnecessary or undesirable.

(2) A person removed under this section shall be disqualified for election unless and until the Resident shall otherwise direct.

Filling of casual vacancies.

12. (1) Whenever a vacancy occurs by the death, resignation or removal of any elected Commissioner, a new Commissioner shall be elected in accordance with the rules to fill the vacant place:

Provided that the Resident may direct in any such case that the vacancy shall be left unfilled.

(2) Upon the death, resignation or removal of any appointed Commissioner, the Resident may, if he shall think fit, appoint a new Commissioner to fill the vacant place.

(3) Every person elected or appointed to fill a casual vacancy shall hold his seat for the time for, and subject to the conditions upon, which it was tenable by the person in whose place he has been so elected or appointed, and no longer; but he may, if otherwise qualified, be re-elected or re-appointed.

Notifications of elections, appointments and vacancies.

13. Every election and appointment of a Commissioner, shall be notified by the Resident.

(1) Member of the Commission

Incorporation of Commission.

14. (1) The Commission shall be a body corporate by the name of the Municipal Commission of the Civil and Military Station of Bangalore; and shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject to the provisions of this Regulation, to transfer any property held by it, to contract and to do all other things necessary for the purpose of its constitution; and may sue and be sued in its corporate name.

Commissioner to be Municipal Commissioner within meaning of every enactment in force.

15. Every Commissioner shall be deemed to be a Municipal Commissioner with in the meaning of any enactment for the time being in force.

(2) President of the Comm

(3) Govt of India

District Magistrate of the Station to be ordinarily the President.

16. (1) The office of President shall be held unless otherwise ordered by the Governor-General in Council, by the District Magistrate of the Station for the time being.

(4) it's members

(5) the member or members

The Vice Presidents.

17. The Commission may, from time to time, elect one or two of the Commissioners to be Vice-President or Vice-Presidents and every Vice President so elected shall, if approved by the Resident, hold the office of Vice-President for such term as the Resident may by rule fix:

(6) shall apply

Provided that, if the Commission, instead of electing a Vice-President, applies to the Resident to nominate a Vice-President, from among the Commissioners, or if no election has been made within one month from the occurrence of a vacancy in the office of Vice-President, or if the Resident does not approve the Vice-President elected, the Resident may if he thinks fit, appoint one of the Commissioners to be a Vice-President for the like term.

(7) Shall

(8) election of a Vice Pres.

(9) Shall think

(10) member

(11) same

Casual vacancies in office of Vice-President.

18. Upon the occurrence of any vacancy in the office of Vice-President, a new Vice-President shall be elected or appointed in the manner provided by section 17.

Officers to be appointed by the Resident, such as a Medical Officer, an Engineer and a Secretary.

19. (1) The Resident may appoint from time to time such officers of the Commission as he may consider necessary for the due performance of the various duties assigned to it, and may at his

(1) Municipal funds

(2) Commissioners.

(3) Commissioners but they shall not be capable of election

(4) rules framed

pleasure suspend or remove them. Such officers shall receive out of the Municipal Fund such allowances as the Resident, after consulting the Commission, may fix (1)

Provided that there shall always be a Medical Officer, an Engineer and a Secretary among the officers of the Commission; and that no other salaried office shall be created by the Resident without the consent of the Commission. (2)

(2) The Medical Officer shall be *exofficio* a Commissioner. The Engineer and the Secretary may be appointed, but shall not be elected, Commissioners. (3)

Other officers to be appointed by the Commission.

20. Subject to the provisions of this Regulation and any rules (4) thereunder, the Commission may employ, in addition to the officers who may be appointed under section 19, such other officers and servants on salaries, not exceeding in any case three hundred rupees per mensem, as may be necessary or proper for the efficient execution of its duties, and may remove or dismiss any officer or servant so employed. (new)

Pensions.

Pensions and gratuities to officers and servants.

21. (1) All officers and servants of the Commission, entertained in permanent employment on or after the first day of January, 1892, shall be entitled to pensions or gratuities in accordance with the rules contained in the Civil Service Regulations. Such pensions or gratuities shall be granted by order of the Resident, and shall be paid by the Commission from the Municipal Fund in accordance with such order. For the purpose of meeting such charges a deduction of five per cent shall be made from the salaries of all such officers and servants.

(2) The provisions of sub-section (1) shall be extended to officers and servants who entered the service not more than five years before the first day of January, 1892, provided that a deduction of five per cent shall have been made from the salaries of such officers and servants from the date on which this system came into force, that is to say the first day of October, 1892.

(3) The said provisions may also be extended to officers and servants who entered the service of the Commission more than five years, but not more than fifteen years, before the first day of January, 1892, provided that they shall have con-

tributed by deduction from their salaries, with effect from the date on which this system came into force, that is to say the first day of October, 1892, ten per cent of their salaries for the number of years by which their previous service exceeded five years, and afterwards five per cent.

Special pension or gratuity.

22. The Commission may, with the sanction of the Resident, give a gratuity to, or purchase an annuity for, any officer or servant retiring from their service who is not entitled to pension or gratuity under section 21.

Committees.

The Health Committee.

23. (1) The Commission shall appoint from among its members a standing Health Committee to advise and report upon matters relating to sanitation, conservancy, food and water supply, registration of vital statistics, vaccination and other matters pertaining to the health of the Station.

(2) The medical officer shall be a member and *ex officio* chairman of the health Committee.

Other Committees.

24. The Commission may from time to time appoint from among its members such other Committees consisting of such number of persons as it shall think fit to advise and report on any matters connected with the purposes of this Regulation other than those mentioned in the last preceding section.

Delegation of executive powers of Commission.

25. (1) The Commission may by bye-law delegate the current executive administration of any of its duties to a Vice-President, Committee or officer of the Commission, and may, in like manner, resume such administration :

(2) Provided that, when a bye-law has been passed delegating any powers of the Commission as aforesaid it shall not be rescinded except on a vote of a majority of all the Commissioners.

(3) In all matters of which the executive administration has not been delegated as aforesaid, it shall vest in the President.

Conduct of Business.

Time for holding meetings.

26. (1) The Commission shall meet for the transaction of business at least once in every month at such time as may, from time to time, be fixed by bye-law.

(2) The President, or, in his absence, a Vice-President, may, whenever he thinks fit, and shall, on a requisition made in writing by not less than one-fifth of the (1) Commissioners, convene either an ordinary or a special meeting at any other time.

(1) members of the Comm

Ordinary and special meetings.

27. (1) Every meeting of the Commission shall be either ordinary or special.

(2) Any business may be transacted at an ordinary meeting unless required by this Regulation or the rules to be transacted at a special meeting.

Quorum.

28. (1) The quorum necessary for the transaction of business at a special meeting of the Commission shall be one half of the Commission.

(2) The quorum necessary for the transaction of business at an ordinary meeting of the Commission shall be such number or proportion of the Commissioners (1) as may, from time to time, be fixed by (2) bye-law, but shall not be less than six.

(2) the bye laws

Provided that, if at any ordinary or special meeting of the Commission a quorum is not present, the chairman shall adjourn the meeting to such other day as he may think fit, and the business which would have been brought before the original meeting if there had been a quorum present, shall be brought before, and transacted at, the adjourned meeting, whether there be a quorum present thereat or not.

Chairman of meeting.

29. At every meeting of the (3) Commission the President, or, in his absence or during the vacancy of his office, the senior Vice-President present, and if there be no President or Vice-President, present (4) then such one of their number as the Commissioners present may elect, shall preside as chairman.

(3) President if present

(4) members

Vote of majority decisive.

30. (5) Subject to the provisions of this Regulation and of any rules (6) thereunder, all questions which come before any meeting of the Commission shall be decided by a majority of the votes of the (4) Commissioners present, the chairman of the meeting, in case of an equality of votes, having a second or casting vote.

(5) Except as otherwise provided by

(6) or the rules

Record and publication of proceedings.

31. (1) Minutes of the proceedings at each meeting of the Commission shall be drawn up and recorded in a book to be kept

for the purpose, shall be signed by the chairman of the meeting, shall be published in such manner as the Resident may direct, and shall, at all reasonable times and without charge, be open to inspection by any inhabitant.

(2) A copy of every resolution passed at any meeting of the Commission shall, within three days from the date of the meeting, be forwarded to the Resident.

Bye-laws.

32. (1) The Commission may, from time to time, make bye-laws consistent with this Regulation and with the rules as to—

(*a*) the time and place of its meetings;

(*b*) the manner in which notice of ordinary and special meetings and adjourned meetings shall be given;

(*c*) the quorum necessary for the transaction of business at ordinary meetings;

(*d*) the conduct of proceedings at meetings and the adjournment of meetings.

(*e*) the custody of the common seal and the purposes for which it shall be used;

(*f*) the person or persons to be primarily responsible for the current executive administration and his or their powers that is to say, what portion of the executive authority shall be exercised by the President, by a Vice-President, by Committees and by officers of the Commission.

(*g*) the persons by whom receipts shall be granted on behalf of the Commission for money received under this Regulation;

(*h*) the appointment, duties, leave, suspension and removal of its officers and servants; and;

(*i*) all other similar matters.

(2) No bye-law made under clause (c) or clause (f) of sub-section (1) shall take effect until it has been approved by the Resident.

(3) Every bye-law made under this section shall be published in such manner as the Resident may direct.

Extraordinary powers of President and Vice-President in case of emergency.

33. In case of emergency the President, or, in his absence or during the vacancy of his office, the Vice-President, may direct the execution of any work or the doing of any act which the Commission is empowered to execute or do,

and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the Municipal Fund.

Provided that—

(*a*) he shall not act under this section in contravention of any order of the Commission; and

(*b*) every direction given under this section shall be reported to the next following meeting of the Commission.

Defects in constitution and Irregularities.

Vacancies and irregularities not to invalidate proceedings.

34. No Act done or proceeding taken under this Regulation shall be questioned on the ground merely of the existence of any vacancy in the Commission or on account of any defect or irregularity not affecting the merits of the case.

Contracts.

Authority to contract.

35. (1) The Commission may, subject to the provisions of this Regulation, delegate to one or more of the Commissioners the power of entering on its behalf into any particular contract whereof the value or amount does not exceed five hundred rupees, or into any class of such contracts.

(2) No contract by or on behalf of the Commission whereof the value or amount exceeds five hundred rupees, shall be entered into until it has been sanctioned at a meeting of the Commission.

Mode of executing contract and transfers of property.

36. (1) Every contract made by or on behalf of the Commission whereof the value or amount exceeds one hundred rupees, shall be in writing, and must be signed by the President, or a Vice-President, and one other Commissioner, and countersigned by the Secretary:

Provided that, when the power of entering into any contract on behalf of the Commission has been delegated under the last foregoing section, the signature or signatures of the Commissioner or Commissioners to whom the power has been delegated, shall be sufficient.

(2) Every transfer of immoveable property belonging to the Commission must be made by an instrument in writing, executed by the President, or Vice-President, and at least two other Commission-

ers, whose execution thereof shall be attested by the Secretary.

(3) No contract or transfer of the description mentioned in this section executed otherwise than in conformity with the provisions of this section shall be binding on the Commission.

Penalty on member, officer or servant being interested in contract made with the Commission.

37. (1) If any Commissioner or any officer or servant of the Commission is, without the permission in writing of the Resident, directly or indirectly interested in any contract made with the Commission he shall be deemed to have committed an offence under section 168 of the Indian Penal Code, as applied to the Station. XLV of 1860

(2) No Commissioner or officer or servant of the Commission shall, by reason only of his being a shareholder in, or a member of, any incorporated or registered company, be held to be interested in any contract entered into between such company and the Commission; but no such person as aforesaid shall take part in any proceedings of the Commission relating to any such contract.

Privileges and Liabilities.

Suits against the Commission and its officers.

38. No suit shall be instituted against the Commission, or against any officer or servant of the Commission in respect of any act purporting to be done in its or his official capacity, until the expiration of one month next after notice in writing has been, in the case of the Commission, delivered or left at its office, and in the case of an officer or servant delivered to him or left at his office or place of abode, stating the cause of action, and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such notice has been so delivered or left:

Provided that nothing in this section shall apply to any suit instituted under section 54 of the Specific Relief Act, 1877 as applied to the Station. I of 1877.

Liability of members of Commission.

39. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to the Commission if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a Commissioner; and a suit for compensation for the same may be instituted against him by the Commission with the sanction of the Resident, or by the Secretary of State for India in Council, in such Court as the Resident may direct.

Acquisition of Land.

Acquisition of land.

40. Where any land within the limits of the Station, is required for the purposes or this Regulation, the Resident may, at the request of the Commission proceed to acquire it under the provisions of the Land Acquisition Act, 1894, as applied to the Station, and, on payment by the Commission of the compensation awarded under that Act, and of any other charges incurred in acquiring it the land shall vest in the Commission. 1 of 1894.

CHAPTER III.

TAXATION.

General Provisions.

Taxes which may be imposed.

41. (1) Subject to any general or special orders which the Governor-General in Council may make in this behalf, and to the rules (if any), the Commission may, from time to time, for the purposes of, and in the manner directed by, this Regulation, impose in the whole or any part of the Station any of the following taxes and tolls, namely:—

(A) with the previous sanction of the Resident:—

(*a*) a tax on buildings and lands

(i) not exceeding 10 per cent. on the annual value; or

(ii) not exceeding one anna per square yard of the ground area; or

(iii) not exceeding three rupees per running foot of frontage in streets or bazars:

(*b*) a tax on persons practising any profession or art or carrying on any trade or calling in the Station, other than persons subject to the Army Act or the Indian Articles of War who are compelled by the exigencies of military duty to reside within the limits of the Station; 44 & 45 Vict. c. 48.

(*c*) a tax on all or any vehicles, animals used for riding, driving, draught or burden, and dogs, when the vehicles, animals used as aforesaid, and dogs, are kept in the Station;

(*d*) a toll on vehicles and animals used as aforesaid entering the Station and not liable to taxation under the preceding clause;

(*e*) an octroi on animals or goods or both brought within the octori limits for consumption or use therein, and,

(B) with the previous sanction of the Resident and of the Governor-General in Council, any other tax:

Provided that any person may compound for exemption from all tolls leviable in respect of any animal or vehicle under clause (*d*) of this sub-section by paying the tax which would have been leviable in respect thereof under clause (*c*) if the same had been kept in the Station:

Provided also that no tax or toll shall be levied in respect of—

(*i*) any buildings, lands, vehicles or animals belonging to the Government of India, the Mysore Government or the Commission;

(*ii*) any cavalry horses or horses being chargers of military officers; or

(*iii*) the salary of any military officer or soldier as such.

(2) In this section "annual value" means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let, and, in the case of houses, may be expected to let unfurnished:

Provided that, in the case of land assessed to land-revenue or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, the annual value shall, if the Resident so direct, be deemed to be double the amount of the land revenue for the time being assessed on the land, whether such assessment is leviable or not, or when the land-revenue has been wholly or in part compounded for or redeemed, double the amount which, but for such composition or redemption would have been leviable.

House-scavenging tax.

42. When the Commission has, in exercise of the powers conferred by this Regulation, undertaken the house-scavenging of any house or building, it may charge the owner or occupier of such house or building, in respect of the house-scavenging done therein with a tax imposed in the manner directed by this Regulation at such rate as it may think fit.

Water tax.

43. (1) Besides the taxes mentioned in the foregoing sections, the Commission, with the previous sanction of the Governor-General in Council, may, for the purpose of constructing or maintaining works for the supply of water to the Station or paying the principal or interest of any loan raised for the construction of such works, impose, in the manner directed by this Regulation, a tax to be called the water tax, upon buildings or lands which are so situated that their occupiers can benefit by the works.

(2) The rate or amount of the tax so imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works, and to their level, but in fixing it regard shall be had to the principle that the total net proceeds of the tax, with the estimated income from payments for water supplied from the works under special contracts, should not exceed the amount required for the said purposes.

Procedure in imposing taxes.

44. (1) The Commission may, at a special meeting, pass a resolution proposing the imposition of any tax under section 41, section 42, or section 43.

(2) When such a resolution has been passed the Commission shall publish a notice, defining the class of persons or description of property proposed to be taxed the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(3) Any inhabitant objecting to the proposed tax may, within thirty days from the publication of the said notice, submit his objection in writing to the Commission, and the Commission shall, at a special meeting, take his objection into consideration.

(4) If no such objection is received within the said period of thirty days, or if all such objections, having been considered as aforesaid, are deemed insufficient, the Commission may forward its proposal to the Resident, with the objections (if any) which have been submitted as aforesaid, and its decision thereupon.

(5) The Resident on receiving such proposal, may sanction or refuse to sanction the same or return it to the Commission for further consideration.

(6) When any such proposal which requires the further sanction of the Governor-General in Council, has been sanctioned by the Resident, he shall submit the same to the Governor-General in Council, with the objections (if any) received through the Commission : and the Governor-General in Council may sanction the proposal or refuse to sanction it, or return it to the Resident for further consideration.

When any proposal of the Commission has been sanctioned by the Resident,

or by the Resident and the Governor General in Council, as the case may be the Commission may, at a special meeting, direct the imposition of the tax in accordance with such proposal.

(8) In giving such direction, the Commission will fix a date on which the tax shall come into force :—

Provided that—

(*a*) no tax shall come into force until its imposition has been notified :

(*b*) no tax shall come into force before the expiration of three months from the date of the meeting at which its imposition is directed :

(*c*) a tax leviable by the year shall come into force on the first day of January or on the first day of April or on the first day of July or on the first day of October in any year, and, if it comes into force on any day other than the first day of April, shall be leviable by the quarter till the first day of April then next ensuing.

(9) A notification of the imposition of a tax under this Regulation shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Regulation.

Power to abolish or reduce tax.

45. The Commission may, by a resolution passed at a special meeting and confirmed by the Resident, abolish or reduce in amount any tax imposed under the foregoing sections.

Power to exempt from taxation.

46. (1) The Commission may exempt, in whole or in part, for any period not exceeding one year, from payment of any such tax any person who by reason of poverty may in its opinion be unable to pay the same, and may renew such exemption as often as may be necessary.

(2) The Commission may, by resolution passed at a special meeting and confirmed by the Resident, and the Resident may, by order, exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

Taxes not invalid for defect of form.

47. No assessment and no charge or demand of any tax made under the authority of this Regulation shall be

impeached or affected by reason of any mistake in the name, residence, place of business or occupation of any person liable to pay the tax, or in the description of any property or thing liable to the tax or of any mistake in the amount of assessment or tax, or by reason of any clerical error or other defect of form, and it shall be enough in any such tax on property, or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known, and it shall not be necessary to name the owner or occupier thereof.

Taxes when payable.

48. Any tax imposed under the foregoing sections and payable periodically shall be payable on such dates and in such instalments (if any) as the Commission may from time to time direct.

Receipts to be given.

49. For all sums paid on account of any tax under this Regulation a receipt, stating the amount and the tax on account of which it has been paid, shall be given by the person receiving the same, on request by the person making the payment at the request of the latter.

Appeals against Taxation.

50. (1) An appeal against the assessment or levy of any tax under this Regulation shall lie to the District Judge unless the District Judge is himself a Commissioner, when it shall lie to the First Assistant to the Resident or such other officer, not being a Commissioner, as may be empowered by the Resident in the behalf.

(2) The Resident may call for a report of the proceedings in any case in which it appears to him that there has been an illegality or material irregularity in the assessment or levy of any tax under this Regulation, and may pass such orders thereon as he thinks fit.

(3) In every appeal or revision the costs shall be in the discretion of the officer deciding the appeal or revision.

(4) Costs awarded under this section to the Commission shall be recoverable by the Commission as though they were arrears of a tax due from the appellant.

(5) If the Commission fail to pay any costs awarded to an appellant within ten days after the date of the order for payment

(New)

The J.'s order surely

(1) or to such other officer as may be empowered by the Res^{t}. in his behalf. Provided that when the Dist. Judge or such other officer as aforesaid is a member of the Comm^{n} the appeal shall lie to the Session Judge

(2) The Res^{t} shall have in regard to all such appeals the powers of a High Court under Section 622 of the Code of Civ. Procedure

× Call from Sessions Judge (Sec 143)

thereof, the officer awarding the costs may order the person having the custody of the balance of the Municipal Fund to pay the amount.

Limitation of Appeal.

51. (1) No appeal shall lie in respect of a tax on any land or building, unless it is preferred within seven days after the publication of the notice prescribed by section 57 (2) or section 59 or after the date of any final order under section 58, as the case may be, and no appeal shall lie in respect of any other tax unless it is preferred within seven days from the time when the demand for the tax is made :

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the officer before whom the appeal is preferred that he had sufficient cause for not presenting the appeal within that period.

(2) No appeal shall be entertained unless the appellant has paid all taxes due under this Regulation from him to the Commission up to the date of such appeal.

(1) Municipal taxes due

Taxation not to be questioned except under this Regulation.

52. No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than is provided in this Regulation.

Duty of furnishing true information regarding liability to Municipal Taxation.

53. (1) The Commission may, by written communication, call upon any inhabitant of the Station to furnish such information as may be necessary in order to ascertain whether such inhabitant is liable to pay any tax under this Regulation.

(2) Municipal tax.

(2) If any inhabitant so called upon to furnish information omits to furnish it or furnishes information which is untrue, he shall be punishable with fine which may extend to one hundred rupees.

Taxes on Immoveable Property.

Preparation of assessment list.

54. (1) The Commission shall cause an assessment-list of all buildings and lands on which any tax is imposed to be prepared containing—

(*a*) the name of the street or division in which the property is situated

(*b*) designation of the property, either by name or by number, sufficient for identification;

(*c*) the names of the owner and occupier, if known;

(*d*) the annual value, area or length of frontage on which the property is assessed; and

(*e*) the amount of the tax assessed thereon by the Commission.

(2) For the purpose of preparing the list, the Commission may require the owners or occupiers of the buildings or lands to furnish it with the returns of the measurements and of the rent or annual value.

Publication of notice of assessments.

55. When the assessment list has been completed, the Commission shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list and any authorized agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Public notice of time fixed for revising assessment list.

56. (1) The Commission shall, at the time of the publication of such assessment list, give public notice of a time not less than one month thereafter, when it will proceed to revise the valuation and assessment; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or occupier of the property.

(2) All objections to the valuations and assessments shall be made in writing before the time fixed in the notice.

Settlement of list.

57. (1) After the objections (if any) made have been enquired into and the persons making them have been allowed an opportunity of being heard either in person or by authorized agent, as they may think fit, and the revision of the valuation and assessment has been completed, the amendments made in the list shall be authenticated by the signatures of not less than two Commissioners, who shall at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the year commencing on the first day of April next ensuing, as also, in the case of a tax then imposed for the first time, for the period between the commencement of the tax and such first day of April.

(2) The list when amended under this section shall be deposited in the Commission's office and shall there be open during office hours to all owners or occupiers of property comprised therein, or the agents of such persons, and a public notice that it is so open shall forthwith be given.

Further amendments of assessment list.

58. (1) The Commission may at any time amend the list by inserting the name of any person whose name ought to have been inserted, or by inserting any property which ought to have been inserted, or by altering the assessment or any property which has been erroneously valued or assessed through fraud, accident or mistake, after giving notice to every person interested in the amendment of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

(2) Any person interested in any such amendment may tender his objection to the Commission in writing before the time fixed in the notice, and shall be allowed an opportunity of being heard in support of the same in person or by authorized agent, as he may think fit.

New list need not be prepared every year.

59. It shall be in the discretion of the Commission to prepare a new assessment list every year or to adopt the valuation and assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the valuation and assessment for the year following, giving the same notice of the valuation and assessment as if a new assessment list had been prepared.

Remission of tax on unoccupied immoveable property.

60. (1) When any property assessed to a tax under section 41, sub-section (1), division A, clause (*a*), or under section 43, which is payable by the year or by instalments has remained unoccupied and unproductive of rent throughout the year or the period in respect of which any instalment is payable, the Commission may remit the amount of the tax or of the instalment, as the case may be :

Provided that no such remission shall be granted unless notice in writing of the circumstances under which it is claimed has been given to the Commission within the first month of the period in respect of which it is so claimed.

(2) When any such property as aforesaid—

(*a*) has not been occupied or productive of rent for any period of not less than sixty consecutive days, or

(*b*) consists of separate tenements one or more of which has or have not been occupied or productive of rent for any such period as aforesaid, or

(*c*) is wholly or in greater part demolished or destroyed by fire or otherwise.

The Commission may remit such portion (if any) of the tax or instalment as it may think equitable.

(3) The burden of proving the facts entitling any person to claim relief under this section shall lie upon him.

(4) For the purposes of this section neither the presence of a caretaker nor the mere retention in an otherwise unoccupied dwelling house of the furniture habitually used in it shall constitute occupation of the house.

(5) For the purposes of this section a house shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

Taxes on immoveable property by whom payable.

61. (1) A tax payable under section 41, sub-section (1), division (A), clause (*a*) shall be paid by the owner of the property in respect of which it is payable.

(2) A tax payable under section 43 shall be paid by the owner or occupier of the property in respect of which it is payable, as the Commission shall determine.

(1) followed, so far as this can be applied, in

Procedure in assessing profession tax.

62. The provision of sections 54 to 59, both inclusive, shall be applied as far as may be to the assessment of a tax levied under section 41, (1) sub-section (1), division (A), clause (*b*) (1)

Octroi and Tolls.

Power to examine article liable to octroi.

63. Every person bringing or receiving within the octroi limits of the Station any article on which octroi is payable shall, when required by an officer authorized by the Commission in this behalf, and so far as may be necessary for ascertaining the amount of tax chargeable,—

(*a*) permit that officer to inspect, examine, weigh and otherwise deal with the article ; and

(*b*) communicate to that officer any information and exhibit to him any bill, in-

voice or document of a like nature which he may possess relating to the article.

Power to search where octroi is leviable.

64. If any person bringing or receiving a conveyance or package within the octroi limits of the Station shall refuse, on the demand of an officer authorized by the Commission in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before any Magistrate or member of the Commission, who shall cause the inspection to be made in his presence.

Presentation of bill for octroi.

65. Every officer demanding octroi by the authority of the Commission shall tender to every person introducing or receiving any article on which the tax is claimed, a bill specifying the article taxable, the amount claimed and the rate at which the tax is calculated.

Recovery of octroi and tolls.

66. (1) In case of non-payment of any octroi or of any toll on demand, the officer empowered to collect the same may seize any article on which the octroi is chargeable, or any vehicle or animal on which the toll is chargeable, or any part of its burden of sufficient value to satisfy the demand.

(2) The Commission may cause any property so seized, or so much thereof as may be necessary, to be sold by auction to satisfy the demand with the expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid, after the lapse of five days from the seizure, and after the issue of a proclamation fixing the time and place of sale :

Provided that by order of the President or a Vice-President, articles of a perishable nature which could not be kept for five days without serious risk of damage, may be sold after the lapse of such shorter time as he may, having regard to the nature of the articles, think proper.

Penalty for evasion of payment of octroi.

67. If goods passing the octroi boundary of the Station are liable to the payment of octroi, then every person who, with the intention to defraud the Commission

or its lessee for the collection of octroi, causes or abets the introduction of, or himself introduces or attempts to introduce, within the said octroi boundary, any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall be punishable with fine which may extend either to ten times the value of such octroi or to fifty rupees, whichever may be greater.

CHAPTER IV.

MUNICIPAL FUND AND PROPERTY.

Constitution of Municipal Fund.

68. There shall be formed for the Station a Municipal Fund, and there shall be placed to the credit thereof—

(*a*) all sums received by, or on behalf of, the Commission under this Regulation or otherwise;

(*b*) all fines realised in cases in which prosecutions for offences committed within the Station are instituted under this Regulation or the rules (if any) or under Section 34 of Act V of 1861, as applied to the Station; and

(*c*) the balance (if any), standing at the credit of the Municipal Fund of the Station at the commencement of this Regulation.

Application of Municipal Fund.

69. (1) The Commission shall set apart and apply out of the Municipal Fund

(*a*) *first*, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it; and

(*b*) *secondly*, such sum as may be required to meet the charges of its own establishment.

(2) Subject to the charges specified in sub-section (1) and to such rules as the Resident may make with respect to the priority to be given to the several duties of the Commission, the Municipal Fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters namely:—

(*a*) the construction, maintenance, improvement, cleansing and repair of streets and of public bridges, embankments,

drains, latrines, tanks and water courses;

(*b*) the watering and lighting of streets or any of them;

(*c*) the construction, establishment, and maintenance of schools, hospitals and dispensaries, and other institutions for the promotion of education or for the benefit of the public health, and of rest-houses, chattrams, poor-houses, markets, encamping grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions;

(*d*) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper asylums, and other educational or charitable institutions;

(*e*) the training of teachers and the establishment of scholarships;

(*f*) the giving of relief and the establishment and maintenance of relief works in time of famine or scarcity;

(*g*) the supply, storage and preservation from pollution of water for the use of men or animals;

(*h*) the planting and preservation of trees and plants;

(*i*) the taking of a census, the registration of births, marriages and deaths, public vaccination and any sanitary measure;

(*j*) the holding of fairs and industrial exhibitions; and

(*k*) all acts and things which are likely to promote the safety, health, welfare or convenience of the inhabitants, or expenditure whereon may be declared by the Commission, with the sanction of the Resident, to be an appropriate charge on the Municipal Fund.

Contribution by military authorities.

70. The Commission may receive from the military authorities such annual contribution (if any) as the Governor General in Council may be pleased from time to time to fix in respect of all municipal institutions, streets, works, establishments or arrangements maintained, executed, entertained or effected from the Municipal Fund, which contribute to the safety, health, welfare, or convenience of the inhabitants of the buildings and lands exempted by section 5 from the operation of the Regulation.

(1) Such sheets.

(2) plants.

(3) shall be entitled to

(4) an

(5) the amount of which shall be fixed from time to time by the G.G in C.

(6) roads

(7) Specified in Section 5.

Where the Municipal Fund shall be lodged.

71. The Municipal Fund shall be lodged with the branch Bank of Madras or such other bank or public treasury as may be hereafter selected by the Commission with the sanction of the Resident.

Investment of same.

72. The Commission may, from time to time, with the previous sanction of the Resident, invest any portion of the Municipal Fund in securities of the Government of India or such other securities as the Governor-General in Council may approve in this behalf, and realize such investments or vary them for others of a like nature.

2. The income resulting from the securities and the proceeds of the sale of the same shall be credited to the Municipal Fund.

Property vested in Commission.

73. All property which may become vested in the Commission shall be under its direction, management and control, and shall be held and applied by it for the purposes of this Regulation.

Direction, management and control of public institutions.

74. (1) The direction, management and control of every public institution maintained out of the Municipal Fund shall vest in the Commission

Provided that the extent of the independent authority of the Commission in respect of any such institution may be prescribed by the Resident.

(2) When any public institution has been placed under the direction, management and control of the Commission, all property, endowments and funds belonging thereto, shall be held by the Commission in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed.

Transfer to Her Majesty of property vesting in Commission.

75. The Commission may, with the sanction of the Resident, transfer to Her Majesty any property vesting in the Commission under section 73 or section 74, but not so as to affect any trusts or public rights subject to which the property is held.

CHAPTER V.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

Power to acquire land for building sites adjoining new streets.

76. When any land is required for a new street, or for the improvement of an existing street, the Commission may proceed to acquire, in addi-

tion to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on both sides of the street.

Power to close streets.

77. The Commission may close temporarily any public street or any part thereof for the purpose of repairs, or for the purpose of constructing or repairing any sewer, drain, culvert or bridge, or for any other public purpose; and may divert, discontinue or close permanently any such street, and sell the land or such part thereof as may not be required for the purposes of this Regulation.

Power to permit temporary occupation of streets, &c.

78. The Commission may grant permission in writing for the temporary occupation of any public street or land for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at its discretion withdraw the permission.

Power to attach brackets for lamps.

79. The Commission may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

Names of streets and numbers of buildings.

80. (1) The Commission may cause a name, to be given to any street, and to be affixed on any building in such place as it may think fit, and may also cause a number to be affixed to any building; and in like manner may from time to time, cause such names and numbers to be altered.

(2) Whoever shall destroy, pull down or deface any such name or number or put up any different name or number from that put up by order of the Commission, shall be punishable with fine which may extend to twenty rupees.

Roofs and external walls not to be made of inflammable materials.

81. The Commission may direct that within certain limits, to be fixed by it, the roofs and external walls of huts or other buildings shall not be made or renewed of grass, mats, leaves or other highly inflammable materials without the written permission of the Commission; and the Commission may, by notice, require any person who has disobeyed any such direction, to remove or alter the roofs and walls so made or renewed as it may think fit.

Power to regulate line of buildings.

82. (1) Should any building or part of a building project beyond the regular line of a street either existing or determined on for the future, or beyond the front of the building on either side thereof, the Commission may, whenever such building or part has been either entirely or in greater part taken down or burnt down, or has fallen down, by notice require such building or part, when being rebuilt to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back or removal shall become part of the street and shall vest in the Commission :.

Provided that the Commission shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

(2) The Commission may, on such terms as it may think fit, allow any building to be set forward for the improvement of the line of the street.

Notice of new buildings.

83. (1) Every person who intends to erect or re-erect any building shall, if required to do so by any bye-law, give notice in writing in the manner hereinafter prescribed of his intention to the Commission and the Commission may within six weeks after the receipt of such notice either refuse to sanction the said building or may sanction the said building either absolutely or subject to any written directions which the Commission may deem fit to issue in respect of all or any of the matters following, namely :—

(*a*) free passage or way in front of the building ;

(*b*) space to be left about the building to secure free circulation of air and facilitate scavenging, and for the prevention of fire ;

(*c*) ventilation and the provision and position of drains and privies, and the situation of wells ;

(*d*) level and width of foundation, level of lowest floor and stability of structure, and

(*e*) the line of frontage with neighbouring buildings, if the building abuts on a street;

and the person erecting or re-erecting any such building as aforesaid shall obey all such written directions;

Provided that the Commission shall make full compensation to the owner for any damage which he may sustain in consequence of the prohibition of the re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(2) Any person giving notice to the Commission under sub-section (1) shall, if required to do so by any bye-law, along with his notice forward a plan and specification of the building which he intends to erect or re-erect together with a site-plan of the land of such character and with such details as the bye-law may require. No notice under sub-section (1) shall be valid until such plans and specification have been supplied.

(3) In any case to which sub-section (2) does not apply, the Commission may, within fifteen days after the receipt of any notice under sub-section (1), require a person who has given such notice to submit within one week of the receipt of the requisition a sufficient plan and specification of the building which he intends to erect or re-erect, together with a site plan of the land, with such reasonable details as the Commission may prescribe in its requisition; and in such case the notice shall not be valid until such plans and specification have been supplied.

(4) Should any such building be begun or erected without giving notice, or without submitting such plans and specification as aforesaid or in contravention of any legal order of the Commission issued within six weeks of receipt of a valid notice under sub-section (1), the Commission may, by notice to be delivered within a reasonable time, require the building to be altered or demolished as it may deem necessary.

(5) Should the Commission neglect or omit for six weeks after the receipt of a valid notice under sub-section (1) to make and deliver to the person who has given such notice any order in respect there-

of, it shall be deemed to have sanctioned the proposed building, provided that the erection or re-erection be otherwise in accordance with the provisions of this Regulation.

(6) Every sanction for the erection or re-erection of any building which shall be given or deemed to have been given by the Commission, shall be available for one year from the date on which the notice shall have become valid and complete, and no longer, and, should the building so sanctioned not have been begun by the person who has obtained such sanction, or some one lawfully claiming under him, within such year, it shall not be begun without fresh sanction ; but such person as aforesaid may at any subsequent time give fresh notice to the Commission in the manner hereinbefore prescribed, and thereupon the provisions hereinbefore contained shall apply to such notice.

(7) Nothing in this action shall apply to any buildings erected or to be erected on land owned or occupied by the Government of India.

Power of Commission to make bye-laws as to mode of construction of buildings.

84. (1) The Commission may, by bye-law, regulate in respect of the erection or re-erection of any building within the Station—

(*a*) the materials and method of construction to be used for external and party walls, roofs, floors, doors, fireplaces and chimneys ;

(*b*) the position of fireplaces, chimneys, drains, privies and wells ;

(*c*) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on ;

(*d*) the number and height of the storeys of which the building may consist ;

(*e*) the means to be provided for egress from the building in case of fire ; and

(*f*) the manner in which notice shall be given to the Commission under section 83, sub-sections (1) and (2) :

Provided that the Commission may, by resolution passed at a meeting, dispense with the observance of any or all of the bye-laws made under this section

in regard to the erection or re-erection of any building specified in the resolution.

(2) If in and during the erection or re-erection of any building any bye-law under this section is contravened, the Commission may, by notice, to be delivered with a reasonable time, require the building to be altered or demolished within the space of thirty days as it may deem necessary ;

Provided that no such notice shall issue in respect of the contravention of any bye-law of which the observance has been dispensed with under the proviso to sub-section (1)

Definition of expression "erect or re-erect any building."

85. The expression "erect or re-erect any building" includes—

(*a*) any material alteration or enlargement of any building ;

(*b*) the conversion into a place for human habitation of any building not originally constructed for human habitation ;

(*c*) the conversion into more than one place for human habitation of a building originally constructed as one such place ;

(*d*) the conversion of two or more places of human habitation into a greater number of such places ;

(*e*) such alterations of the internal arrangements of a building as effect an alteration of its drainage or sanitary arrangements, or affect its security ; and

(*f*) the addition of any rooms, buildings, outhouses or other structures to any building.

Removal of projections and obstructions.

86. (1) It shall not be lawful, without the written permission of the Commission, for the owner or occupier of any building to add to, or place against or in front of, the building any projection or structure overhanging projecting into or encroaching on any street or into or on any drain sewer or aqueduct therein.

(2) The Commission may, by notice, require the owner or occupier of any building to remove or alter any such projection or encroachment as aforesaid

Provided that, in the case of any projection or encroachment lawfully in existence at the commencement of this Regulation, the Commission shall make reasonable compensation for any damage caused by the removal or alteration.

(3) The Commission may, by resolution passed at a meeting, give permission to the owners or occupiers of buildings in any particular street to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement wall and at a height from the level of the ground or street, to be specified in the resolution.

Water Pipes, Privies and Drains.

Troughs and pipes for rain water.

87. The Commission may, by notice, require the owner of any building or land adjoining any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the building or land and for discharging the same so as not to inconvenience persons passing along the street.

Provision of drains, privies, etc.

88. (1) The Commission may, by notice, require the owner of any building or land to remove any cess pool or to remove or provide any drain, privy, or receptacle for filth, or provide any additional drains, privies, or receptacles as aforesaid which should, in its opinion, be provided for the building or land, in such manner as the Commission may direct, or to make to the reasonable satisfaction of the Commission and maintain in good order a drainage connection with any public sewer or drain not situated more than one hundred feet from such building or land as aforesaid :

Provided that the said owner shall not be liable for any default in making or maintaining such drainage connection if the land through which the said drainage connection is required to pass, does not belong to him, and he can prove that the default was caused by the act of the owner or occupier of such last-mentioned land

(2) The Commission may, by notice, require any person employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

(3) The Commission may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the Commission may direct, any door or trapdoor of a privy opening on to any street or drain.

Repair and closing of drains and privies.

89. (1) The Commission may, by notice, require the owner or occupier of any building or land to repair, alter or put in good order any drain or privy or to close any drain or privy belonging thereto.

(2) The Commission may, by notice, require any person who may construct any new drain or privy without its permission in writing or contrary to its directions or bye-laws or to any of the provisions of this Regulation, or who may construct, rebuild or open any drain or privy which it has ordered to be demolished or stopped up or not to be made, to demolish the drain or privy or to make such alteration therein as it may think fit.

Unauthorised buildings over drains, etc.

90. The Commission may, by notice, require any person who without its permission in writing may newly erect or rebuild any building over any sewer drain, culvert water course or pipe vested in the Commission to pull down or otherwise deal with the same as it may think fit.

Dangerous Buildings and Places.

Power to require buildings, wells, tanks, etc., to be secured.

91. Should any building, or any well, tank, reservoir, pool, depression or excavation be, for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working therein or in the neighbourhood, the Commission may, by notice, require the owner or occupier thereof to repair, protect or enclose the same; and should it appear to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps to avert the danger as may, in its opinion, be necessary.

(new)

Building &c. in ruinous or dangerous state.

92. Should any building, wall or structure or anything affixed thereto, or any bank or tree, be deemed by the Commission to be in a ruinous state or in any way dangerous, it may, by

notice, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall, structure or bank as the Commission may consider necessary for the public safety; and, should it appear to it to be necessary in order to prevent imminent danger, the Commission shall forthwith take such steps to avert the danger as may in its opinion, be necessary.

(new)

Buildings and Lands in unsanitary condition.

Power to require owner to clear away noxious vegetation.

93. The Commission may, by notice, require the owner or occupier of any land to clear away and remove any thick vegetation or under-growth which may appear to the Commission to be injurious to health or offensive to the neighbourhood.

Power to require hedges nd trees to be trimmed.

94. The Commission may, by notice, require the owner or occupier of any land to cut or trim within three days the hedges growing thereon and bordering on any street or any branches of trees going thereon which overhang any street and obstruct the same or cause danger thereto, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

Cleansing of filthy buildings or land.

95. Should the owner or occupier of any building or land suffer the same to be in a filthy or unwholesome state, the Commission may, by notice, require him within twenty four hours to cleanse the same or otherwise put it in a proper state.

Power to prohibit use for human habitation of buildings unfit for such use.

96. Should any building, or any part of any building, appear to the Commission to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or other sufficient reason the Commission may, by notice, prohibit the owner or occupier thereof from using the same for human habitation, or suffering it to be so used, until it has been rendered fit for such use to the reasonable satisfaction of the Commission.

Power to require untenanted buildings becoming a nuisance to be secured or enclosed.

97. The Commission may, by notice require the owner, or partowner or person claiming to be the owner or partowner, of any building or land which, by reason of abandonment or disputed ownership or other cause, has remained untenanted and become a resort of idle and disorderly persons or otherwise a nuisance, to

secure or enclose the same within a reasonable time fixed in the notice.

Cultivation, use of manure or irrigation, injurious to health, after prohibition.

98. (1) The Resident may, on the report of the Commission that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of the Station is injurious to the health of persons dwelling in the neighbourhood, by notification prohibit the cultivation of such crop, the use of such manure or the use of the method of irrigation so reported to be injurious, or impose such conditions with respect thereto as may prevent the injury:

Provided that, when on any land to which such notification applies, the act prohibited has, in the ordinary course of husbandry, been practised during the five years next preceding the date of the notification, compensation shall be paid from the Municipal Fund to all persons interested therein for any damage caused to them by the effect of such notification.

(2) Should any person disobey any notification issued under sub-section (1), he shall be punishable with fine which may extend to fifty rupees and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Sources of Water Supply.

Power to require removal of nuisance arising from tanks and the like.

99. The Commission may, by notice, require the owner or occupier of any land or building to cleanse, repair, temporarily close, cover, fill up or drain off any private well, tank, reservoir, pool, depression or excavation therein which may appear to the Commission to be likely to be injurious to health or offensive to the neighbourhood.

Provided that, if for the purpose of effecting any drainage under this section it should be necessary to acquire any land not belonging to the same owner or to pay compensation to any person, the Commission shall provide such land or pay such compensation.

Removal of latrines, etc., near any source of water supply.

100. The Commission may, by notice, require any owner or occupier on whose land any drain, latrine, urinal or receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week from the service of such notice.

Bathing and Washing places.

101. The Commission may set able places fo pose of bathin specify the tim and the sex of the persons by w places may be used, and may als suitable places for washing animals or for any other purpose connected v cleanliness or comfort of the inhat may, by public notice, prohibit l washing animals or clothes, in any p not so set apart, or at times or other than those specified, and an by which water in public places n dered foul or unfit for use.

Regulation of manufacture, production, preparation and sale of articles of food and drink.

102. The Commission may, by bye-law,—

Power for Commission to regulate manufacture, preparation and sale of food and drink.

(*a*) prohibit the manufacture, production or preparation for sale of any specified articles of food or drink in any premises not licensed by the Commission;

(*b*) regulate the grant and withdrawal of licenses to premises for the manufacture, production or preparation for sale of such specified articles of food or drink;

(*c*) regulate the hours and manner of transport within the Station of any specified articles of food or drink;

(*d*) fix the places in which any specified articles of food or drink may be sold or exposed for sale or the places in which it may not be sold or exposed for sale;

(*e*) provide for the inspection and control of any premises or places licensed or fixed under clauses (*b*) and (*d*):

Provided that no person shall be punishable for breach of any bye-law made under clause (*a*) or clause (*d*) of this section by reason of the continuance of such manufacture, preparation or exposure for sale, or sale upon any premises which are at the time of the making of such by-law used for such purpose until he has received from the Commission six months' notice to discontinue such manufacture, preparation or exposure for sale or such sale in such premises.

Offensive and Dangerous Trades.

Regulation of offensive and dangerous trades.

103. (1) The owner or occupier of every place within the Station used for any of the following purposes, namely,—

depositing or washing soiled clothes;

boiling paddy;

melting tallow or sulphur;

boiling or storing bones, offal, blood or rags;

washing or drying wool or hair;

as a soap house camphor or oil boiling house, dyeing house or tannery;

as a brick kiln, pottery or limekiln;

as any other manufactory or place of business from which offensive or unwholesome smells arise;

as a yard or depot for trade in hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material;

as a store-house for any explosive or for petroleum or any inflammable oil or spirit;

shall in April every year or, in the case of a place newly opened, before the opening of the same, apply to the Commission for a license for the use of such place for any of the purposes aforesaid.

(2) The license shall not be withheld unless the Commission considers that the business which it is intended to establish or maintain, would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(3) The Commission may charge fees, according to a scale to be approved by the Resident, for such licenses, and may impose such conditions in respect thereof as it may think necessary.

(4) Whoever, without such a license, uses any such place for any such purpose as aforesaid shall be punishable with fine which may extend to fifty rupees, and with a further fine not exceeding ten rupees for every day during which the offence is continued after he has been convicted of such offence.

Power to prohibit such trades.

104. Whenever it is shown to the satisfaction of the Commission that any place licensed under the last

foregoing section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, the Commission may, by notice, require the occupiers thereof to discontinue the use of such place, or to use it in such manner as will, in the opinion of the Commission, render it no longer a nuisance or dangerous.

(2) Whoever, after any such notice has been given, uses such place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, shall be punishable with fine which may extend to two hundred rupees and with a further fine not exceeding forty rupees for every day during which the offence is continued after he has been convicted of such offence.

Slaughter Places.

Places for slaughter of animals for sale.

105. (1) The Commission may fix premises for the slaughter of animals for sale, or of any specified description of such animals, and may grant and withdraw licenses for the use of such premises, or, if they belong to the Commission, charge rent or fees for the use of the same.

(2) When any such premises have been so fixed, no person shall slaughter any such animal for sale at any other place.

(3) Should any one slaughter for sale any such animal at any other place he shall be punishable with fine which may extend to twenty rupees.

Places for slaughter of animals not for sale.

106. (1) The Commission may, by bye-law, fix premises in which the slaughter of animals of any particular kind not for sale shall be permitted, and prohibit, except in case of necessity, such slaughter elsewhere:

Provided that no such bye-law shall apply to animals slaughtered for any religious purpose.

Burial and Burning Grounds.

Powers in respect of burial and burning places.

107. (1) The Commission may, by public notice, order any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood to be closed, from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

(2) Private burial places in such burial grounds may be excepted from the notice, subject to such conditions as the Commission may impose in this behalf:

Provided that the limits of such burial places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owners thereof.

(3) No burial or burning ground, whether public or private, shall be made or formed, after the commencement of this Regulation, without the permission in writing of the Commission.

(4) Should any person bury or burn, or cause or permit to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punishable with fine which may extend to fifty rupees.

Removal of corpses.

108. The Commission may, by public notice, prescribe routes for the removal of corpses to burial or burning grounds.

Inflammable Materials.

Inflammable materials.

109. The Commission may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting wood, dry grass, straw or other inflammable materials, or placing mats or thatched huts or lighting fires in any place or within any limits specified in the notice.

Prohibitions for prevention of fire.

110. The Commission may, by bye-law, prohibit the lighting of fires in the top storey of any building which by reason of its contiguity to other buildings might be a source of danger to the latter in the event of a fire breaking out within it, and the walls of which storey do not exceed seven feet in height, or the placing of stands for lamps and candles in any position which the Commission may deem to be dangerous to the public safety.

Prohibition of excessive storage of petroleum.

111. The Commission may, by bye-law, prohibit the storage of more than a fixed maximum quantity of any explosive, petroleum, spirit, naphtha or other inflammable material in any building not registered or licensed under section 106.

(1) limits of the Station

General Conservancy.

Removal and deposit of offensive matter.

112. The Commission may fix places within the Station for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be transported along any street and deposited at or removed from such places.

Special provision with respect to disposal of dead bodies of animals.

113. (1) Whenever any animal in the charge of any person dies otherwise than by slaughter either for sale or for some religious purpose, the person in charge thereof shall within twenty four hours either—

(*a*) convey the carcase to a place (if any) fixed by the Commission under the last foregoing section for the disposal of the dead bodies of animals, or

(*b*) give notice of the death to the Commission, whereupon the Commission shall cause the carcase to be disposed of.

(2) Every person bound to act in accordance with sub-section (1) shall, if he fails so to act, be punishable with fine which may extend to ten rupees.

(3) In respect of the disposal of the dead body of an animal under clause (*b*) of sub-section (1) the Commission may charge such fee as it may, by bye-law, have prescribed.

(2) For the purpose of

(3) shall be deemed to mean

Explanation.—In this section the word "animal" includes all horned cattle, elephants, camels, horses, ponies, asses, mules, deer, sheep, goats, swine, and other large animals.

House Scavenging.

Definition of house-scavenging.

114. The removal of filth, rubbish, ordure or other offensive matter from a privy, or common receptacle for such matter in or pertaining to a house, building or enclosure is called house-scavenging.

Undertaking by Commission of house-scavenging generally.

115. (1) The Commission may at any time undertake the house-scavenging of any house, building or enclosure on the application or with the consent of the occupier.

(2) The Commission may, by public notice, undertake the house-scavenging of any houses, buildings or enclosures from any date not less than two months after issue of the notice.

(3) The occupier of any house, building or enclosure affected by the notice may at any time after the issue thereof apply to the Commission to exclude that house, building or enclosure from the notice.

(4) The Commission shall consider and pass orders upon every such application within six weeks of the receipt thereof, and may by any such order exclude such house, building or enclosure from the notice.

(5) In deciding whether to exclude any house, building or enclosure from the notice, the Commission shall consider, among other matters, the efficiency of the arrangements for house-scavenging made by the occupier (if any) and the purpose to which he applies the matter dealt with in house-scavenging.

Savings in favour of agriculturists.

116. Notwithstanding anything in the last foregoing section, the Commission shall not, except in accordance with the provisions of this Chapter, without the consent of the occupier, undertake the house-scavenging of any house or building occupied by an agriculturist who himself cultivates land within the Station.

Continuance of house-scavenging once undertaken by Commission.

117. When once the Commission has undertaken the house-scavenging of any house, building or enclosure under this Chapter, it may continue to perform such house-scavenging with or without the consent of the occupier for the time being of such house, building or enclosure.

Obligation of Commission to perform house scavenging properly.

118. When the Commission has undertaken the house-scavenging of any house, building or enclosure, it shall be bound to perform the same properly until it shall have relieved itself of the obligation by an order under section 115(5), sub-section (4).

(1) 118

Powers of municipal servants for house-scavenging purposes.

119. The servants of the Commission employed in house-scavenging may at all reasonable times do all things necessary for the proper performance of any house-scavenging undertaken by the Commission.

Vesting in Commission of collections from house-scavenging.

120. All matter removed by the servants of the Commission in the course of house-scavenging shall vest in the Commission.

Punishment of agriculturists for negligence.

121. (1) Should an agriculturist who himself cultivates land within the Station, fail to provide for the proper house-scavenging of any house, building or enclosure occupied by him, the Commission may make a complaint in respect of such failure to any Magistrate of the first class.

(2) The Magistrate receiving the complaint shall hold an enquiry, and should it appear to him that the agriculturist has not provided for the proper house-scavenging of the house, building or enclosure, he may pass an order empowering the Commission to undertake the same, and thereupon the Commission shall be entitled to undertake such house-scavenging.

(3) Every order passed by a Magistrate under sub-section (2) shall be final.

Diseased Animals.

Destruction of mad dogs.

122. (1) The Commission may, by any person authorised by it in this behalf, destroy or cause to be destroyed, or confine or cause to be confined for such period as the Commission may direct, any dog suffering from rabies or reasonably suspected to be suffering from rabies.

(2) No damages shall be payable in respect of any dog destroyed under this section.

Information to be given of anthrax, etc.

123. Every person within whose premises any case of anthrax, glanders, rinderpest or any other such disease affecting horses or cattle occurs, shall give immediate notice of the fact to the Commission and use such sanitary or other precautionary measures as he may, by notice from the Commission, be directed to adopt, to prevent the disease spreading, and, if necessary, shall remove any such animal.

Diseases dangerous to the Public Health.

124. (1) Whoever,—

Information to be given of existence of disease dangerous to the public health.

(*a*) being a medical practitioner or a person openly and constantly practising the medical profession, and in the

course of such practice becoming cognizant of the existence of any disease dangerous to the public health in any dwelling other than a public hospital, or, in default of such medical practitioner or person practising the medical profession,

(*b*) being the owner or occupier of such dwelling, and being cognizant of the existence of such disease, or, in default of such owner or occupier,

(*c*) being the person in charge of or in attendance on any person suffering from such disease in such dwelling, and being cognizant of the existence of the disease therein,

Fails to give information in such manner as the Commission shall by bye-law direct or gives false information to the Commission, respecting the existence of such disease, shall be punishable with fine which may extend to fifty rupees :

Provided that a person not required to give information in the first instance, but only in default of some other person, shall not be punishable if it be shown that he had reasonable cause to suppose that the information had been or would be duly given.

(2) In this Regulation, the expression "disease dangerous to the public health" means any disease declared by the Commission, from time to time, by notification with the previous sanction of the Resident, to be a disease dangerous to the public health.

Removal to hospital of persons suffering from diseases dangerous to the public health.

125. When any person suffering from any disease dangerous to the public health is,

(*a*) without proper lodging or accommodation, or

(*b*) living in a chattram or other public hostel, or

(*c*) living in a room or house which he neither owns nor pays rent for, or

(*d*) lodged in premises occupied by members of two or more families,

the Commission, by any person authorized by it in this behalf, may, on the advice of any medical officer of rank not inferior to that of an Assistant Surgeon,

remove the patient to any hospital or place at which persons suffering from such disease are received for medical treatment, and may do anything necessary for such removal.

Power to order disinfection and cleansing of buildings.

126. The Commission, by any person authorized by it in this behalf may, by notice, direct all or any part of any building in which there has recently been any person suffering from any disease dangerous to the public health to be forthwith internally or externally lime-washed, or otherwise cleansed or desinfected.

(1) dangerous infectious disease as aforesaid

(1)

Power to order destruction of infected articles.

127. The Commission, by any person authorized by it in this behalf may, by notice, direct the destruction or disinfection of bedding, clothing or other articles likely to be contaminated by any disease dangerous to the public health, giving compensation for the articles destroyed.

(hers)

(2) retain the infection of any dangerous infectious disease

(2)

Disinfection of public conveyances contaminated by carrying diseased persons.

128. Every owner or driver of a public conveyance shall immediately provide for the disinfection of the conveyance after it has to his knowledge conveyed any person suffering from any disease dangerous to the public health, and, if he fails to do so, shall be liable to a penalty not exceeding fifty rupees :

(3) a dangerous infectious disease

(3)

(4) dangerous infectious

(4)

Provided that no such owner or driver shall be required to convey any person suffering from any such disease without payment or tender of a sum sufficient to cover the loss and costs which he must under this section incur for the purpose of disinfecting such conveyance, anything in this Regulation relating to public conveyances for the time being in force to the contrary notwithstanding.

(hers)

Penalty for letting infected rooms.

129. Any person knowingly letting a house or other building or part of a house or building, in which any person has been suffering from a disease dangerous to the public health, without having such house, or other building or part thereof, and all articles therein liable to retain infection, disinfected to the satisfaction of a medical practitioner, as testified by such officer's certificate, shall be liable to a penalty not exceeding two hundred rupees.

(5) dangerous infectious disease

(5)

(hers)

Explanation.—For the purposes of this section a hotel or lodging-house-keeper shall be deemed to let part of his house to any person admitted as a guest into his hotel or lodging-house

Prohibition by Commission of use of unwholesome water.

130. Should the Commission consider that the water in any well, tank or other place is likely, if used for drinking, to engender or cause the spread of any disease dangerous to the public health, it may, by public notice, prohibit the removal or use of such water or temporarily close the well.

(1) dangerous disease

Powers of Entry.

Inspection of drains and privies.

131. (1) The Commission, by any person authorized by it in this behalf, may, between sunrise and sunset, enter into any building or upon any land, and inspect any drains or privies therein or thereon, and may cause the ground to be opened where such person as aforesaid may think fit for the purpose of preventing or removing any nuisance arising from the drains or privies.

(2) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building; but if it be found that no nuisance exists, or but for such opening would have arisen, the ground or portion of any building, drain or other work, if any, opened, injured or removed for the purpose of such inspection shall be filled in, reinstated and made good by the Commission.

(3) No building other than a latrine shall be entered under this section until six hours' notice in writing has been given to the occupier of the building by the Commission or by the person authorized by the Commission to make the entry.

Power of entry for purpose of preventing spread of disease.

132. The Commission, by any person authorized by it in this behalf, may, at any time, enter any building in which any disease dangerous to the public health is reputed or suspected to exist, for the purpose of preventing the spread of the same.

(2) dangerous infectious disease

Other powers of entry on buildings or land.

133. The Commission, by any person authorized by it in this behalf, after giving twenty four hours' notice to the occupier or, if there be no occupier, to the owner of any building or land, may at any time between sunrise and sunset—

(*a*) enter on and survey and take levels of any land ;

(*b*) enter, inspect and measure any building for the purpose of valuation ;

(*c*) enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains or of executing or repairing any work which it is by this Regulation empowered to execute or maintain.

Power to enter for discovery of vehicles or animals liable to taxation.

134. The Commission, by any person authorized by it in this behalf, may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Regulation for which a license has not been duly taken out.

Power to inspect places for sale of food, or drink, etc., and to seize unwholesome articles exposed for sale.

135. The Commission, by any person authorized by it in this behalf, may, at all reasonable times enter into and inspect any market, building, shop, stall or place used for the sale of food or drink for man, or as a slaughter-house, or for the sale of drugs and inspect and examine any food or drink, animal or drug which may be therein ; and if any article of food or drink or any animal therein appears to be intended for the consumption of man and to be unfit therefor, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption.

And in case it is reasonably suspected that any drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause the owner thereof to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof, and for orders as to its disposal. (1)

(1) the disposal of the said drug.

Search for inflammable or explosive material in excess of authorized quantity.

136. (1) The Commission may at any reasonable time, by any person authorized by it in this behalf, (2) enter upon and inspect any house or building which is suspected to contain petroleum, explosive or other inflammable material, in excess of the quantity permitted to be kept in such house or building under the provisions of this Regulation or of any rule, bye-law or public notice made or published thereunder.

(2) in writing in this behalf

(2). Should any such excess quantity of such material be discovered, it may be seized and held subject to such order as a Magistrate may pass with respect to it.

(3) If the Magistrate decides that the material seized was stored in the house or building contrary to the provisions of this Regulation or of any rule, bye-law or public notice made or published thereunder, he shall pass an order confiscating the same.

(4) Subject to any general rules for the time being applicable thereto, the material so confiscated may be sold by order of the Magistrate, and the proceeds, after defraying the expenses of such sale shall be credited to the Municipal Fund.

(5) No order of confiscation under this section shall operate to prevent any other criminal or civil proceedings to which the person storing the material in excessive quantity may be liable.

Power to make Bye-laws.

137. (1) The Commission may, by bye-law,— Power to make bye-laws.

(*a*) render licenses necessary for the proprietors or drivers of vehicles, or animals kept or plying for hire or for profit within the Station, and fix the fees payable for such licenses and the conditions on which they are to be granted and may be revoked;

(1) limits of the Station

(*b*) limit the rates which may be demanded for the hire of any carriage, cart, or other conveyance, or of animals hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals, or persons when hired within the Station for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours;

(*c*) provide for the proper registration of births, marriages and deaths, and for the taking of a census;

(*d*) fix, and from time to time vary, the number of persons who may occupy a building or part of a building which is let in lodgings or occupied by members of more than one family, and provide—

(i) for the registration and inspection of such building, (1)

(ii) for promoting cleanliness and ventilation in such buildings,

(iii) for the notices to be given and the precautions to be taken in the case of any disease dangerous to the public health breaking out in such buildings, and (2)

(iv) generally for the proper regulation of such buildings;

(*e*) provide—

(i) for the inspection and proper regulation of encamping-grounds, pounds, chattrams, markets, dhobis' ghats, flour-mills and slaughter-houses,

(ii) for keeping in proper repair or preventing the disfigurement of any building or wall adjoining a street,

(iii) for preventing injury to any public property,

(iv) for the holding of fairs and industrial exhibitions within the Station or under the control of the Commission, and for fixing fees to be levied thereat,

(v) for controlling and regulating the use and management of burial and burning grounds, and

(vi) for the supervision and regulation of public wells, tanks, springs, or other sources from which water is or may be made available for public use, and of all pipes, reservoirs, stand pipes or other works connected with a water supply;

(*f*) where the collection of an octroi has been sanctioned, fix octroi-limits for the purpose of collecting the same, the routes by which articles liable to octroi should be brought into the Station, and the octroi posts at which they shall be liable to inspection, examination and weighment under section 63;

(*g*) regulate the exhibition of tables of octroi, the system under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid are again exported, and the custody or storage of animals or goods declared not to be intended for use or consumption within the Station;

(*h*) require and regulate—

(*i*) the exhibition of tables showing the rates of tolls chargeable on vehicles and animals entering the Station,

(*ii*) the appointment by owners of buildings or lands in the Station who are not resident in the Station, of persons residing within or near the Station to act as their agents for all or any of the purposes of this Regulation or any rule thereunder;

(*j*) regulate the assessment and collection of any tax imposed under this Regulation and the fees payable in respect of notices of demand or of distraint;

(*k*) control and regulate the admission within the Station[1] for the purpose of sale, of the flesh (other than cured or preserved meat) of any cattle, sheep, goat or swine slaughtered at any slaughter-house or place not maintained or licensed under this Regulation;

(*l*) provide for and regulate the destruction or segregation of stray dogs and of horses and cattle suffering from anthrax[2], glanders, rinderpest or any other such disease; and

(*m*) generally provide for carrying out the objects and purposes of this Regulation.

(2) Bye-laws under clause (*g*) may, among other matters, provide a period of limitation after which no claim for refund of octroi shall be entertained, and also that no such refund shall be made when the amount thereof would be less than one rupee.

Penalty for infringement of bye-law.

138. (1) In making any bye-law under this Chapter[3], the Commission may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

(2) In lieu of or in addition to such fine, the Magistrate may require the offender to remedy the mischief so far as lies within his power.

Supplemental.

Confirmation of bye-laws.

139. (1) No bye-law made under this Chapter shall come into force until it has been confirmed by the Resident

and published for such time and in such manner as the Resident may prescribe in this behalf.

(2) The Resident may cancel his confirmation of any such bye-law, and thereupon the bye-law shall cease to have effect.

Execution of acts required to be done by any notice.

140. (1) When any notice under this Chapter requires any act to be done for which no time is fixed by this Regulation, it shall fix a reasonable time for doing the same.

(2) Whenever it is provided by this Regulation that any such notice may be given to the owner or occupier of any land or building, and the owner and occupier are different persons, such notice shall be given to the one of them primarily liable to comply with such notice, and in case of doubt to both of them :

Provided that in any such case, where there is no owner resident within the Station, delivery of such notice to the occupier shall be sufficient.

(3) Whenever the terms of any such notice have not been complied with, the Commission may, after six hours' notice, by its officers, cause the act to be done.

Recovery of costs of execution.

141. (1) Where, under this Regulation, the owner or occupier of property is required by the Commission to execute any work and default has been made in complying with the requirement, and the Commission has executed the work, the Commission may recover the cost of the work from the person in default.

(2) As between themselves and the Commission both owner and occupier shall be deemed to be in default for the purposes of this section, but that one of them shall be deemed to be primarily in default upon whom, as between landlord and tenant, the duty of doing the required act would properly fall either in pursuance of the contract of tenancy or bye-law. (1)

(1) by law

(3) When the person primarily in default is the owner, and the Commission has recovered the whole or any part of the cost from the occupier, or he has paid the same upon its demand, he may deduct the sum so recovered or paid from the rent from time to time becoming due from him to the owner, or may otherwise recover it from such owner :

(4) Provided that no occupier shall be required to pay under sub-section (3) any sum greater than the amount for the time being due from him to the owner either in respect of rent due at the date of such demand as aforesaid or thereafter accruing, unless he has refused, on application made to him by the Commission, truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the Commission from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(5) All money recoverable by the Commission under this section may be recovered in the manner provided in section 186.

(6) Nothing in this section shall affect any contract between an owner and an occupier.

Compensation out of Municipal Fund.

142 (1) The Commission may make compensation out of the Municipal Fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the Commission, its officers and servants, under this Regulation, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(2) Should any dispute arise touching the amount of any compensation which the Commission is required by this Regulation to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or, in default of agreement, in the manner provided by the Land Acquisition Act, 1894, as applied to the Station, with reference to the acquisition of and payment of compensation for land for public purposes so far as it can be made applicable.

I of 1894.

Appeals from orders of Commission.

143. (1) Any person aggrieved—

(*a*) by the prohibition by the Commission under section 83 of the erection or re-erection of a building, or

(*b*) by a notice from the Commission under section 83, sub-section (4) or section 84, sub-section (2) requiring the alteration or demolition of a building, or

(*c*) by any order made by the Commission under the powers conferred upon it by sections 96, 104 or 107,

may appeal within thirty days from the date of such prohibition, notice or order to the District Judge, and no such prohibition, notice or order shall be liable to be called in question otherwise than by such appeal:

Provided that, if the District Judge be himself a member of the Commission, the appeal shall lie to the Sessions Judge.

(2) The appellate authority may, if it shall think fit, extend the period allowed by sub-section (1) for appeal.

(3) The Resident may call for a report of the proceedings in any case in which it appears to him that there has been an illegality or material irregularity in the issue of any such prohibition, notice or order as aforesaid and may pass such orders thereon as he thinks fit.

CHAPTER VI.

OFFENCES AFFECTING THE PUBLIC HEALTH SAFETY OR CONVENIENCE.

Depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains.

144. Whoever, without the permission of the Commission or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any street or public place, or into any public sewer or drain or any drain communicating therewith, shall be punishable with fine which may extend to twenty rupees.

Discharging sewage.

145. Whoever, without the permission of the Commission, causes or knowingly or negligently allows the water of any sink or sewer or any other offensive matter, to flow, drain or be put upon any street or public place, or into any public sewer or drain not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees.

Failure to remove offensive matter.

146. Whoever, being the owner or occupier of any building or land, keeps or knowingly or negligently allows to be kept,

(*a*) for more than twenty-four hours, or

(*b*) otherwise than in some proper receptacle,

any dirt, dung, bones, ashes, nightsoil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punishable with fine which may extend to fifty rupees.

147. Whoever, without the permission of the Commission, makes or causes to be made, or alters or cause to be altered, any drain leading into any public sewer or drain[1] shall be punishable with fine which may extend to fifty rupees.

Making or altering drains without authority.

(1) of the sewers or drains vested in the Commission

148. Whoever, without the permission of the Commission, makes or keeps for a longer time than one week after notice under section 100[2] any drain, latrine, urinal, or receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punishable with fine which may extend to twenty rupees, and, after service of notice, with a further fine not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

Penalty for making or keeping latrines, &c., near any source of water-supply.

(2) 103

149. Whoever keeps any swine in disregard of any orders which the Commission may give to prevent them from becoming a nuisance, or keeps any other animal so as to be injurious to the health of the inhabitants or of animals, or so as to become a nuisance, shall be punishable with fine which may extend to twenty rupees and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Keeping animals so as to be injurious to health.

150. Whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food on deleterious substances, filth or refuse of any kind shall be punishable with fine which may extend to fifty rupees.

Feeding animals on deleterious substances.

151. Whoever drives any vehicle after dark in any street at more than a walking pace, unless the vehicle is properly supplied with lamps[4] or there is sufficient moonlight to render lamps[4] unnecessary, shall be punishable with fine which may extend to twenty rupees.

Driving vehicles without lamps after dark.

(3) proper lights

(4) lights

152. Whoever discharges fire-arms or lets off fire-works or fire-balloons, or engages in any game in such a manner as to cause or be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punishable with fine which may extend to twenty rupees.

Discharging fire-arms, &c.

153. Whoever, being in charge of any elephant, camel or bear, omits on being requested to do so to remove as far as may be practicable his elephant, camel or bear to a safe distance on the approach of a horse, whether ridden or driven, shall be punishable with fine which may extend to twenty rupees.

Control of elephants or camels.

154. Whoever, contrary to any orders of the Commission, takes an elephant along a street, shall be punishable with fine which may extend to twenty rupees.

Taking elephants along public roads.

155. Whoever, being the owner or person in charge of any dog which is likely to annoy or intimidate passengers, neglects to restrain it so that it shall not be at large without a muzzle in any street, shall be punishable with fine which may extend to twenty rupees.

Suffering dogs to be at large.

156. Whoever, without the permission of the Commission, alters, obstructs (1) or encroaches upon any street, or any public sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts of any street, or deposits building-materials or makes any hole or excavation on or in any street, or removes material from beneath any street so as to occasion risk of surface subsidence, shall be punishable with fine which may extend to fifty rupees.

Altering, obstructing or encroaching upon streets.

(1) Sewer

157. Whoever quarries, blasts, cuts timber or carries on building-operations in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to fifty rupees.

Quarrying, blasting, cutting timber or building.

158. Whoever, contrary to the orders of the Commission, pickets animals or collects carts on any public ground, or uses any such ground as a halting place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punishable with fine which may extend to twenty rupees.

Picketing animals and collecting carts.

159. Whoever carries a corpse along a route prohibited by the Commission, or in a manner likely to cause annoyance to the public, shall be punishable with fine which may extend to ten rupees.

Carrying corpses by prohibited routes or so as to cause annoyance.

Destroying direction-posts, lamp-posts, &c.

160. Whoever, without being authorized by the Commission, defaces, or disturbs any direction-post or lamp-post, or extinguishes any light in any public place, shall be punishable with fine which may extend to ten rupees.

Penalty for disobedience of orders of Commission under last Chapter.

161. Whoever disobeys any lawful direction given by the Commission by public notice under the powers conferred upon it by the last foregoing Chapter, or any written notice lawfully issued by it under the powers so conferred, or fails to comply with the conditions subject to which any permission was given by the Commission to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified in this Regulation, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Regulation.

Penalty for obstructing persons employed by the Commissioners in their duty.

162. Whoever obstructs or molests the Commissioners, or any person employed by them, or any person with whom they have contracted under the provisions of this Regulation, in the performance of their or his duty, or who obstructs any such person or any other person from doing anything which he is empowered or required to do by virtue of this Regulation;

or removes any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorized by this Regulation;

shall be liable to a fine not exceeding two hundred rupees.

Prosecution to be suspended in certain cases.

163. When any order of the kind specified in section 104,(1) section (2) 107, and section 161(3) is subject to appeal, and an appeal has been instituted against it all proceedings to enforce such order and all prosecutions for any breach thereof shall be suspended pending the decision of the appeal, and, if such order is set aside on appeal, disobedience thereto shall not be deemed to .be an offience.

(1) 107
(2) 110
(3) 164

Disposal of certain imports seized under any bye-law made under section 137.

164. Should the flesh of any cattle, sheep, goat or swine be brought within municipal limits in contravention of any bye-law made under section 137 it may be seized by any officer of the Commission authorized in that behalf, and may be destroyed or otherwise disposed of as the Commission may direct.

CHAPTER VII.

Extinction and Prevention of fire.

Establishment and maintenance of fire-brigade.

165. For the prevention and extinction of fire the Commission may establish and maintain a fire-brigade and may provide any implements, machinery or means of communicating intelligence which the Commission may think necessary for the efficient discharge of their duties by the brigade.

Power of fire-brigade and other persons for suppression of fires.

166. (1) On the occasion of a fire in the Station any Magistrate, the Field Officer of the week of the Bangalore Garrison, the District Superintendent of Police, the Secretary of the Commission, any Commissioner, any member of a fire-brigade maintained by the Commission then and there directing the operations of men belonging to the brigade and (if directed so to do by a Magistrate or by the District Superintendent of Police) any Police-officer above the rank of constable, may—

(*a*) remove or order the removal of any person who by his presence interferes with or impedes the operations for extinguishing the fire or for saving life or property;

(*b*) close any street or passage in or near which any fire is burning;

(*c*) for the purpose of extinguishing the fire, break into or through or pull down, or cause to be broken into or through or pulled down, or used for the passage of hose or other appliances, any premises;

(*d*) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred;

(*e*) call on the persons in charge of any fire-engine to render such assistance as may be possible; and,

(*f*) generally, take such measures as may appear necessary for the preservation of life or property.

(2) No person shall be liable to pay damages for any act done by him under sub-section (1) in good faith.

(3) Any damage done in the exercise of a power conferred, or a duty imposed, by this section shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

Power to make rules under this Chapter.

167. The powers conferred by the last foregoing section shall be subject to any regulations, conditions, or restrictions, which may be imposed by rule.

CHAPTER VIII.

CONTROL.

Power of Resident to call for statistics.

168. The Resident may at all times call for such reports and statistics connected with the working, income and expenditure of the Commission as he may deem fit; and the Commission shall forthwith comply with such requisition.

Power to suspend action of Commission.

169. The Resident may, by order in writing, suspend the execution of any resolution or order of the Commission, or prohibit the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Regulation, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons.

Extraordinary powers of Resident in case of emergency.

170. (1) In cases of emergency the Resident may provide for the execution of any work, or the doing of any act, which the Commission is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or of doing the act shall be forthwith paid by the Commission.

(2) Should the expense be not so paid, the Resident may make an order directing the person having the custody of the balance of the Municipal Fund to pay the expense, or so much thereof as may from time to time be possible, from that balance, in priority to all other charges against the same.

Resident may take special measures on outbreak of any dangerous disease.

171. (1) In the event of the Station being at any time visited or threatened with an outbreak of any disease dangerous to the public health, or in the event of anthrax, glanders, rinderpest or any other such disease affecting horses or cattle breaking out

(1) dangerous disease

(2) any infectious disease

(1) Station amongst cattle including under this expression sheep or goats.

in, or being likely to be introduced into, the (1) Station, the Resident if he thinks the ordinary provisions of this Regulation or of any other law at the time in force are insufficient for the purpose, may—

(*a*) order the Commission to take such special measures and,

(*b*) by public notice, prescribe such temporary regulations to be observed by the public or by any person or class of persons, as he may (2) deem necessary to prevent the out break of such disease or the spread thereof.

(2) Shall

(2) The Resident shall forthwith report to the Governor General in Council any orders and any regulations issued or prescribed by him under sub-section (1).

Power to provide for performance of duties in cases of default of Commision.

172. (1) When the Resident, after due enquiry, is satisfied that the Commission has made default in performing any duty imposed upon it under this Regulation, he may, by an order in writing, fix a period for the performance of that duty; and, should it not be performed within the period so fixed, he may appoint some person to perform it and may direct that the expense thereof shall be paid within such time as he may fix by the Commission.

(2) Should the expense be not so paid, the Resident may make an order directing the person having the custody of the balance of the Municipal Fund to pay the expense, or so much thereof as may from time to time be possible, from that balance in priority to all other charges against the same.

Powers of Resident over Commission.

173. (1) The Resident shall be bound to require that the proceedings of the Commission shall be in conformity with law and with the rules in force under any enactment for the time being applicable to the Station generally or to the areas over which the Commission has authority.

(2) The Resident may exercise all powers necessary for the performance of this duty, and may, among other things, by order in writing, annul or modify any proceeding which he may consider not to be in conformity with law or with such rules as aforesaid.

Power of Resident to supersede Commission in case of incompetency, persistent default or abuse of powers.

174. (1) Should the Commission be incompetent to perform, or persistently make default in the performance of, the duties imposed on it by or under this or any other enactment, or exceed or

abuse its powers, the Resident may, with the previous sanction of the Governor General in Council, by a notification, in which the reasons for so doing shall be stated, declare the Commission to be superseded:

(1) approval
(2) notification

Provided that, in case of public emergency, such notification may be issued without the previous sanction of the Governor General in Council, but shall be forthwith reported to the Governor General in Council and shall be subject to his orders.

(2) When the Commission is so superseded, the following consequences shall ensue:—

(*a*) all members of the Commission shall, from the date of the notification, vacate their seats:

(*b*) all powers and duties of the Commission may, until the Commission is reconstituted, be exercised and performed by such person or persons as the Resident may appoint in that behalf:

(*c*) all property vested in the Commission shall, until the Commission is reconstituted, vest in Her Majesty.

(3) The Resident may, if he thinks fit, at any time constitute another Commission in the place of the Commission superseded under this section.

(3) shall think

Power of Resident to frame forms and make rules.

175. (1) The Resident may frame forms for any proceeding of the Commission for which the Resident considers that a form should be provided, and may make rules, consistent with this Regulation,—

(*a*) with respect to the powers and duties of the Commission;

(*b*) as to the division of the Station into wards, or of the inhabitants into classes, or both;

(*c*) as to the number of representatives proper for each ward or class;

(*d*) as to the qualifications of electors and of candidates for election;

(*e*) as to the registration of electors;

(*f*) as to the nomination of candidates, the time of election and the mode of recording votes;

(*g*) generally for regulating all elections under this Regulation;

(*h*) fixing the term of office of Commissioners;

(4) members of the Commission

(*i*) as to the constitution, powers and duties of the Health Committee.

(*j*) prescribing the qualifications requisite in the case of persons appointed by the Commission to offices requiring professional skill;

(*k*) as to the priority to be given to the several duties of the Commission;

(*l*) as to the procedure to be observed for the punishment or dismissal of servants of the Commission;

(*m*) as to the conditions on which land vested in the Commission may be transferred by sale, mortgage, lease, exchange or otherwise;

(*n*) as to the preparation of plans and estimates for works to be constructed at the expense of the Commission and as to the person by whom, and the conditions subject to which, such plans and estimates are to be sanctioned;

(*o*) as to the accounts to be kept by the Commission, the conditions on which such accounts are to be open to inspection by inhabitants paying any tax under this Regulation, the manner in which such accounts are to be audited and published, and the power of the auditors in respect of disallowance and surcharge;

(*p*) as to the preparation of estimates of income and expenditure of Committees and the person by whom, and the conditions subject to which, such estimates may be sanctioned;

(*q*) as to the returns, statements and reports to be submitted by the Commission.

(*r*) as to the publication of notices; and

(*s*) generally for the guidance of the Commission and public officers in carrying out the objects and purposes of this Regulation and for all other matters necessary or incidental to the due administration of this Regulation.

(2) Rules under clause (*g*) of sub-section (1) may, among other matters, provide;

(*i*) for the investigation of allegations of corrupt practices or intimidation at elections;

(*ii*) for making void the election of any person proved to the satisfaction of the Resident to have been guilty of corruption or intimidation or to have connived at or abetted the exercise of corruption or intimidation on his behalf by any other person;

(*iii*) for rendering incapable of municipal office either permanently or for a term of years any person whose election may have been made void as aforesaid for corruption or for connivance at or abetment of the same; and

(iv) for the definition of the practices at municipal elections which are to be deemed to be corrupt or to amount to intimidation.

CHAPTER IX.

SUPPLEMENTAL.

Prosecutions.

Athority for prosecutions.

176. No Court shall take cognizance of any offence punishable under this Regulation or any rule or bye-law except on the complaint of the Commission or of some person authorized by the Commission in this behalf.

Explanation.—The Commission may authorize persons to prosecute either generally in regard to all offences against this Regulation and the rules or bye-laws thereunder or particularly in regard only to specified offences or offences of a specified class. The person authorized may be authorized by office, if he is, the President or a Vice-President. In other cases the authority must be personal. The authority must in all cases be in writing and may at any time be cancelled by the Commission.

(1)
Vice President of the Comm:

Power to compound offences.

177. (1) The Resident may empower the Commission, or the President, a Vice-President or the Secretary, or any other officer of the Commission or any Committee appointed under section 23 or section 24 or the chairman thereof, to accept from any person against whom a reasonable suspicion exists that he has committed an offence against this Regulation or any rule or bye-law, a sum of money by way of composition for such offence.

(hers)

(2) On payment of such sum of money the suspected person if in custody shall be discharged, and no further proceedings shall be taken against him in regard to the offence or alleged offence so compounded for.

(3) Sums paid by way of composition under this section shall be credited to the Municipal Fund.

(4) Power under sub-section (1) to accept composition for alleged offences may be given either generally in regard to all offences under this Regulation and the rules and bye-laws, or particularly in regard only to specified offences or offences of a specified class, and may at any time be with-drawn by the Resident.

(5) The Resident may make rules to regulate the proceedings of persons empowered to accept composition under this section for alleged offences.

178. The Magistrate or Judge by whom any fine is imposed under this Regulation or any rule or bye-law, may award any portion, not being more than one-half thereof, to the informer, and the remainder, or, if he makes no award to the informer, the whole, of such fine shall be paid to the Commission, to be by them applied to the purposes of this Regulation.

How fines are to be applied.

179. No Judge or Magistrate shall be deemed to be a party to, or personally interested in, any prosecution for an offence punishable under this Regulation or any rule or bye-law, or under any other law, within the meaning of section 555 of the Code of Criminal Procedure, 1882, as applied to the Station, or by reason only that he is a member of the Commission by the order, or under the authority of which it has been instituted.

Member not to be deemed interested in prosecution.

X of 1882.

Rules and Bye-laws.

180. (1) The authority empowered to make any rules or bye-laws under this Regulation, other than bye-laws under section 25 or section 32, shall, before making such rules or bye-laws, publish, in such manner as may, in its opinion, be sufficient for giving information to persons interested, a draft of the proposed rules or bye-laws with a notice specifying a date on or after which the draft will be taken into consideration; and such authority, as also, in the case of bye-laws, the Resident whose confirmation is required, shall, before such rules or bye-laws are made, consider any objection or suggestion which may be received from any person with respect to the draft before the date so specified.

Procedure for making rules and bye-laws.

(2) If, on such consideration, any modification is made in the draft, the Resident shall determine whether or not the draft shall be republished under this section.

(3) Every such rule or bye-law shall be notified in English and in such other language or languages as the Resident may direct; and such notification shall be conclusive proof that such rule or bye-law has been made as is required by this section.

181. (1) A copy of all rules and bye-laws made under this Regulation shall be kept at the Commission's office, and shall be open during office hours without charge to the inspection of any inhabitant.

Rules to be available for purchase and inspection.

(2) Copies of all such rules and bye-laws shall be kept at the Commission's office for sale to the public at a price not exceeding one rupee.

Notices.

Authentication, service and validity of notices.

182. (1) Every notice issued by the Commission under this Regulation or under any rule or bye-law shall be in writing signed by the President, Vice-President, or Secretary or by the members of any Committee specially authorized by the Commission in that behalf, and may be served on the person to whom it is addressed, or delivered or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served may be affixed to some conspicuous part of his place of abode or business.

(2) When the place of abode or business of the person to whom the notice is addressed is not within the Station, the notice may be served by posting it in a registered cover addressed to his usual place of abode.

(3) If the owner of any property has no place of abode or business within the Station every such notice addressed to him as such owner may be served on the occupier.

(4) When the place of abode or business of the occupier of any property is not known, every such notice addressed to him as such occupier may be served by affixing it to some conspicuous part of the property.

(5) No notice issued by the Commission under this Regulation or under any rule or bye-law shall be invalid for defect of form.

Mode of giving notice to owner or occupier of property.

183. When any notice is under this Regulation to be given to, or served on, the owner or occupier of any property and such owner or occupier is unknown, it may be given or served—

(*a*) by delivering a written notice to some person on the property, or, should there be no person on the property to whom it can be delivered, by affixing it to some conspicuous part of the property; or,

(*b*) by putting into the post a prepaid letter containing a written notice, and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

Publication of public notice.

184. Every public notice given by the Commission under this Regulation or any rule or bye-law shall be published by proclamation or in such other manner as the Resident may, by rule, direct.

Exemption of local areas.

185. When any local area has under section 6 been exempted from the operation of any of the provisions of this Regulation or of any rules or bye-laws thereunder, the Governor-General in Council shall, after consulting the Commission, frame a scheme determining in what manner the liabilities arising, or the advantages derived, therefrom shall be apportioned between the Commission and the Secretary of State for India in Council.

Effect of exemption of local areas from provisions of the Regulation.

Collection of sums due to the Commission.

186. When any sum is due to the Commission under this Regulation by any person, the Commission may recover such sum in the following manner, namely:—

Recovery of sums due to the Commission.

(*a*) by causing a bill for the sum, stating the nature of the demand, to be served on the person liable to pay the same, in the manner provided in section 182;

(*b*) if the sum is not paid within seven days from the service of such bill, by causing a notice of demand to be served on such person;

(*c*) if such person does not within seven days from the service of such notice pay the sum due, with any fee leviable for the notice, or show sufficient cause for non-payment, by distraining and selling the moveable property of such person in the manner provided in the Code of Civil Procedure, as applied to the station;

XIV of 1882.

(*d*) by suing such person in the Civil Court in which case any sum awarded by the Court shall, subject to any claim on behalf of Her Majesty, be a first charge on the property, if any, in respect of which it is payable.

Miscellaneous.

187. When any building used as a human dwelling is entered under this Regulation, due regard shall be paid to the social and religious sentiments of the occupiers; and before any apartment in the actual occupancy of any woman, who according to custom does not appear in public, is entered under this Regulation, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Precautions to be observed in entering dwellings.

188. (1) In the absence of a written contract to the contrary every sweeper or scavenger employed by the Commission shall be entitled to one

Obligation of municipal servants to discharge their duties.

month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

(2) Should any sweeper or scavenger employed by the Commission, in the absence of a written contract authorizing him so to do and without reasonable cause, resign his employment or absent himself from his duties without giving one month's notice to the Commission, or neglect or refuse to perform his duties or any of them, he shall be liable to imprisonment which may extend to two months.

(3) The Resident may, by notification, direct that, on and from a date to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to sweepers and scavengers shall apply also to any specified class of servants employed by the Commission whose functions intimately concern the public health or safety.

Brothels.

189. On the complaint of five or more inhabitants of the Station that a house in their immediate neighbourhood and within the limits of the Station is used as a brothel or by disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, any Magistrate of the first class having, as such, jurisdiction in the place where the house is situated may summon the owner or tenant of the house to answer the complaint; and, on being satisfied that the house is so used, and is a source of annoyance and offence to the neighbours, may order the owner or tenant to discontinue such use of it; and, if he shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter that the house shall be so used.

Relief to agents and trustees.

190. (1) When any person, by reason of his receiving the rent of immoveable property as agent or trustee, or of his being as agent or trustee the person who would receive the rent if the property were let to a tenant, would, under this Regulation, be bound to discharge any obligation imposed by this Regulation on the owner of the property and for the discharge of which money is required, he shall only be bound to discharge the obligation to the extent of such funds as he has or but for his own improper act or default might have had in his hands belonging to the owner.

(2) The burden of proving the facts entitling an agent or trustee to relief under this section shall lie on him.

(3) When any agent or trustee has claimed and established his right to relief under this section, the Commission may give him notice to apply to the discharge of such obligation as aforesaid the first moneys which shall come to his hands on behalf or for the use of the owner, and should he fail to comply with such notice he shall be deemed to be personally liable to discharge such obligation.

Decision of question as to whether persons are "inhabitants."

191. Should any question arise whether any person or specified class of persons is or are an inhabitant or inhabitants of a local area in the Station within the meaning of this Regulation, the decision thereon of the Commission shall be conclusive.

Police officers to report offences to Commissioners.

192. It shall be the duty of all Police officers to give information to the Commissioners, or to their officers, of any offence committed contrary to the provisions of this Regulation or the rules or bye-laws thereunder, and to help them in giving effect to the provisions of this Regulation.

G. C. Press, Simla.—No. 675 F. D.—28-9-96.—37.

RESIDENT'S OFFICE.

Serial No. 36

File No.

[DRAFT].—For approval.

Dated 13 Nov 1896

No. 4106 Fn: 2

To

Foreign.

12/11/96.

S 28

Sir.

The draft Municipal Regulation submitted with my letter No. 1709 dated the 8th May last was published in the local papers and copies were sent to the Municipal Commrs.

2. The latter at their meeting of the 24th Septr. 33 last took objection to certain sections viz 4, 6, 7, 11, 12 and 188. and I beg to attach a copy of their proceedings together with a copy of the proposer's statement of objects & reasons.

These sections appear in the draft forwarded 34 with your letter No. 2997 I.A of the 26 Septr. last with no material ~~differences~~ alterations made

3. The objections of the Municipal Comm^rs to Sections 4, 6, 7 and 188 are probably due to many of the members being horse breeders who think that the introduction of Cantonment Regulations or Rules may affect their property. I have found nothing in the objections which appear to me to carry any weight.

4. The draft Reg^n is being resubmitted to you with my opinion thereon as desired.

I have

etc.

Res^t

KSE

11/11